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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. COLLINS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 1997.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend George S. Dillard III, Peachtree City Christian Church, Peachtree City, GA, offered the following prayer:

Heavenly Father, You are our sovereign. By Your divine providence this Nation was born. On Your principles, this Nation was founded. On Your precepts we have modeled our rules of law. To this honorable body of men and women You have entrusted the well-being of our fellow citizens. Let us never forget that, as Jesus taught, it is better to forgive and serve than to be served. Help us, our Father, to remember always, we are here to serve You through service to our fellow man.

Perhaps, like no other moment in history, to this body has been given the opportunity to influence the affairs of all mankind. Grant to us, Father, the wisdom and compassion to rise above those issues which so easily divide us and help us to focus on Your will, for this body, for this great Nation.

Forgive us for our sins this day, and grant us the desire to return to Your truth. Bless this Nation, Oh Lord, we pray, in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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. TIERNEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. TIERNEY. 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. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts [Mr. TIERNEY] come forward and lead the House in the Pledge of Allegiance.

Mr. TIERNEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes from each side.

WELCOME TO THE REVEREND GEORGE S. DILLARD III

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

Mr. KINGSTON. Mr. Speaker, it is with great pleasure that I introduce the pastor of the day, the Reverend George S. Dillard.

George has been a friend of mine for over 10 years. I met him when he was a resident of Georgia's First District, and after many years of good representation in the First District, he had the misfortune of moving to the Third District and being represented by the gentleman from Georgia [Mr. COLLINS]. But he does keep in touch with the First District, and we are happy to have him back with us today. He is doing great work up in that area.

George was a graduate of Campbell High School. He was born in Fairburn, GA, and received his bachelor's degree from Atlanta Christian College. He received his master's degree, magna cum laude, from the Evangelical Theological Seminary, and this year will get his Ph.D. from that same institution.

George is a minister of evangelism and preaching at the Peachtree City Christian Church in Peachtree, GA. George is listed in Who's Who in Religion and was selected as one of the

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most outstanding young men in America.

George is also here with his beautiful wife, Renee, who is with us in the gallery today. Renee is a schoolteacher at Cannongate Elementary School, and their mascot, Nellie, is with them in Washington today, so Nellie says hello to you from all the fourth graders back home. We will be going back to report on how well we are doing, so watch us today.

Their children, Tiffany, age 6, and Alexis, age 3, are not with them, but they do travel with them frequently.

They are good folks, and George has proudly been proclaiming the gospel wherever he goes. As we heard today, he is a man of God. Please welcome my friend, Rev. George Dillard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind Members not to refer to guests who are in the gallery.

A LOT OF SOUFFLES

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

Mr. DELAY. Mr. Speaker, what has been going on at the White House? First, we had ''Travelgate.'' That is the scandal where the First Lady wrongly fired hard-working civil servants because she wanted to hire cronies from Arkansas.

Next we had ''Goregate.'' That is the scandal involving the Vice President and his questionable fundraising activities in the White House.

Now we have ''Chefgate.'' Apparently the First Lady did not like the French chef who cooked at the White House, so they not only fired him, but also gave him $37,000 in hush money. This chef can barely speak English, and they paid him hush money. So even if he would talk, most Americans would not know what he was saying.

Mr. Speaker, $37,000 is a lot of souffles. I urge the White House to go on a fiscal diet. In this era of balanced budget, we simply cannot afford to pay hush money to chefs that can hardly speak English.

WE MUST CARE FOR THE COMMANDOS

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

Ms. SANCHEZ. Mr. Speaker, in June of this year, Congress approved legislation to finally pay a 30-year debt. The South Vietnamese Lost Army Commandos will finally have their United States Government contracts honored by the Pentagon for their years of service to the United States Army.

But accepting their long overdue pay would mean the loss of something even more important for many of the commandos, their health care benefits. The medical problems resulting from years in torture require long-term health care, care they will not be able to receive if they accept their compensation.

After years of torture by the North Vietnamese, the callousness of being declared dead by the United States Government, and years of anguish over not receiving their rightful compensation, these brave men are faced with another obstacle in their 30-year struggle. I urge my colleagues to support these men who fought and bled in Vietnam for the United States cause.

As the House goes to conference on the Labor-HHS bill, I urge my colleagues to accept the Senate position exempting the commandos' compensation from Medicaid eligibility.

KANSAS PROUD OF 1997 MISS AMERICA

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

Mr. TIAHRT. Mr. Speaker, today I want to recognize another in a long line of outstanding Kansans, Miss America, 1997, Tara Dawn Holland. Tara's 1-year reign as Miss America officially ends this Saturday. Tara has worked extensively in the past year as an advocate of the importance of literacy, and she has directed a considerable spotlight on this issue.

Tara has been a literacy advocate for over 7 years, and she is currently the national spokesperson for the Library of Congress' Building of a Nation of Readers campaign. During the past year, she has visited dozens of schools and communities, stressing the importance of literacy.

The number of Americans who live in a world without literacy skills many of us take for granted is alarmingly high. This presents an ever-increasing dilemma in our advancing society. Tara's efforts to emphasize these literacy skills is important, not only to those who lack these skills, but to our entire society. Those who cannot read start each day at a disadvantage, and Tara has dedicated herself to reaching out to those most at risk, including children and the incarcerated.

Tara Holland has fulfilled the Miss America motto of style, scholarship, service, and success on wonderful levels. We are very proud of her in Kansas.

REPEAL BAD LEGISLATION LIMITING FLUSH WATER IN TOILETS

(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, a flush is not a flush. The old standard toilet flushed away 3.5 gallons of water, so Congress in its inimitable wisdom passed a new law that said all toilets in America must use only 1.6 gallons of water. Since then, Americans are flushing, flushing, flushing like mad, wasting more water than ever, recklessly trying to remove all of that void.

Mr. Speaker, it has gotten so bad there is literally a black market for the old toilet. The American people, Mr. Speaker, are a flush away from a major movement. Beam me up. I say, if Congress can repeal prohibition, Congress can repeal this toilet. That is right, think about it. From the conservative movement to the progressive movement, Congress can reach out and touch the American people where they need it the most, in the bathroom. After all, one good flush deserves another.

I yield back whatever in Members' minds they believe needs to be yielded back.

OUTSTANDING SCHOOL BAND LEADER RETIRES

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

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a true gentleman and educator from the 20th District in my hometown of Collinsville, IL. This man is Neal Strebel, who, after 37 years of teaching music and directing school bands, has retired from his profession.

Mr. Strebel dedicated nearly 40 years of his life to directing the ''Marching Kahoks'' band, leading the Illinois High School Association concert bands, and instructing some of the best student musicians in the State of Illinois.

He has instructed over 100 all-State band members, and his students are consistently rated among the best in the State. During his 37 years, Mr. Strebel directed 500 pep band and more than 200 concert band performances, splitting time between the elementary, junior high, and high school bands for many years.

As band director, he also raised nearly $500,000 for band trips and music equipment. In his first 25 years, Mr. Strebel devoted himself and his time without winning a single trophy or award. As he said in the St. Louis Post-Dispatch, ''That wasn't the motivation. I think you can learn more about music with the emphasis on fundamentals and concert band.''

Mr. Speaker, every one of us can learn a few lessons from Mr. Strebel's attitudes and ideas about music, and I commend him for his service.

SCHOOL VOUCHERS ARE A DRAIN ON RESOURCES

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

Mr. PALLONE. Mr. Speaker, Democrats have made education a top priority this Congress, and our emphasis has

been on improving public schools, including raising educational standards and addressing infrastructure needs. My concern is that the Republican leadership, after trying to make the deepest education cuts in history last year, are now emphasizing vouchers to pay for private schools as the way to reform our education system.

In my opinion, vouchers will not help public schools; just the opposite. They will drain away resources that can be used to improve public school standards and rebuild crumbling or overcrowded schools.

Americans overwhelmingly support the Democratic commitment to public schools. They want to make public schools safer, improve the quality of teachers, and get parents more involved in education. Let us not walk away from the public schools, but let us try to improve them. That is the Democratic Party position.

□ 1015

COMPETITION WILL MAKE FOR BETTER SCHOOLS

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

Mr. HEFLEY. Mr. Speaker, what would be the effect on the public schools if a school choice program resulted in the most motivated kids and the most involved parents leaving the public school in their neighborhood? I ask this question because the question I get most often from those who oppose school choice is: What about the kids that are left behind?

Well, Mr. Speaker, my response is increased competition among public schools will, without a shadow of a doubt, have the same effect on schools that increased competition has on the computer industry, the automobile industry, the restaurant business, the supermarket, the construction industry, the financial industry, and on and on and on.

Increased competition means that bad schools will shut down, as they should, as more students flee those schools that have failed them. Increased competition means that mediocre schools will feel pressure to improve, real pressure, for fear that their students will go elsewhere.

And let me suggest that increased competition, here is a novel idea, increased competition will result in real accountability for the first time. Competition in education will make better private schools and it will make better public schools.

SCHEDULE CAMPAIGN FINANCE REFORM LEGISLATION NOW

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

Mr. KIND. Mr. Speaker, I rise today to call upon the leadership in the majority party in this House to schedule what is the most pressing, most important issue that we should be dealing with in the 105th Congress this fall, and that is campaign finance reform. But, we are running out of time.

Mr. Speaker, I am a proud member of a bipartisan freshman task force on campaign finance reform. We are six Republicans, six Democrats, freshmen, working together to try to draft what would be a good bipartisan piece of legislation.

And we did, Mr. Speaker. It is not the comprehensive reform that I would like to see; it is incremental; it gets the biggest of the big money out of the political system, the soft money ban.

Mr. Speaker, all we are asking is just to get it scheduled for a floor debate and for an ultimate vote, but we are running out of time. Next year is another election season. Lord knows we are not going to pass campaign finance reform then. The year after that we are looking at the year 2000 and the Presidential race, and it is going to be tough to do it.

Mr. Speaker, it is now or never this fall, and ''no'' is not an acceptable answer. My constituents in western Wisconsin did not send me to this place to accept no as an answer. Even we freshmen realize that the system is broke and that the very survival of this democracy is at stake. Schedule campaign finance reform now.

MAYBE THEY JUST FORGOT

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

Mr. CHABOT. Mr. Speaker, as America's schoolchildren head back to school, I am reminded of an old Steve Martin routine on ''Saturday Night Live.'' I am talking about the skit in which Steve Martin tries to explain away his breaking the law by saying, ''I forgot armed robbery was a crime.''

Mr. Speaker, teachers are used to all the lame excuses they get from their students about why they did not do their homework, or why they did not study for a test. But, Mr. Speaker, the excuses coming out of the White House about all their fund-raising irregularities would make even Steve Martin laugh.

Maybe the White House needs to be reminded that accepting contributions from foreign nationals, directly or indirectly, for political campaigns is a crime. Maybe the White House needs to be reminded that laundering campaign contributions in order to hide the source of the funds is a crime; that selling Commerce Department trade missions in exchange for political contributions is a crime; that using government lawyers for private counsel is a crime.

But who knows, Mr. Speaker? Maybe they just forgot.

WHEN WILL THE HOUSE VOTE ON CAMPAIGN FINANCE REFORM?

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

Mr. FARR of California. Mr. Speaker, I rise this morning to ask the Republican leadership: When are we going to legislate? If something is broke, let us fix it.

Mr. Speaker, every Congress before this one was able to vote here and act on campaign finance reform. The House Democrats passed a comprehensive campaign finance reform in the last three Congresses; in the 101st, 102d, and 103d. Even last session, when the Republicans were in control, we had a vote here on the floor.

When, Mr. Speaker, do we get to have that vote this year? Now, let us not talk about minor campaign reform. Comprehensive campaign reform, that is what every other Congress has been able to debate and vote on. When do we get to do that?

Mr. Speaker, let us not just hear; let us act. Let us not investigate; let us legislate.

THE BIPARTISAN CAMPAIGN INTEGRITY ACT

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

Mr. HUTCHINSON. Mr. Speaker, I rise to speak on the issue of campaign finance reform. As we debate this issue in the House, we should remember a couple of key points. First of all, there are supporters and detractors on both sides of the aisle.

My Democrat friends have been critical. This is wrong. An old maxim in equity is, ''He who seeks equity must come in to equity with clean hands.'' Neither side should claim clean hands on this issue. When the Democrats had both the House and the administration, they did not pass campaign finance reform law.

Second, we should enforce the law, but that should not be an excuse for a failure to legislate.

Third, a soft money ban must be the centerpiece of any reform legislation. It is the greatest abuse; we must address that.

Fourth, the solution must be bipartisan in nature, because otherwise it is doomed to failure and gridlock.

The bipartisan Campaign Integrity Act, which is a bipartisan bill which we have worked together on, accomplishes this plus much more. I urge my colleagues to support it.

AMERICAN PEOPLE DESERVE CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, I am sure our colleagues will no doubt remember this very famous photograph. This is the photograph where Speaker GINGRICH and President Clinton shook hands on July 11, 1995, and pledged to this Nation that they would reform the campaign finance system under which we govern.

Mr. Speaker, since that time, President Clinton in the State of the Union asked the House of Representatives to pass campaign finance reform by July 4. The House of Representatives stonewalled.

Yesterday, President Clinton again asked the House and vowed he would fight for campaign finance reform, and yet we have heard nothing from Speaker GINGRICH. In fact, we have heard nothing from Speaker GINGRICH on this subject, except that he believes we need more money in campaigns and not less money. But he will not schedule campaign finance reform for the House. He will not lead an effort to reform this system. He has continued to stonewall this.

Mr. Speaker, we need more than this from the Speaker of the House of Representatives. The people's House and the people deserve campaign finance reform. Mr. Speaker, I say to Speaker GINGRICH, ''Live up to your pledge. Live up to your handshake. Give the people the reform we need.''

SCHOOL CHOICE IS THE ANSWER

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if we were a manufacturer that produced an inferior product, what would we think if we had to face real competition for the first time? My guess is that we would feel the same as those government-owned schools which are absolutely terrified by school choice.

Mr. Speaker, they are terrified by school choice because they know that kids whose parents do not have the money to move or to send their kids to a private school have no choice but to send their kids to another government school where they have to pass through metal detectors, where there is no order in the classroom, and where the idea of standards and accountability leave them lagging behind their international peers.

Government-owned schools have a complete monopoly, plain and simple, and all monopolies fear competition. I can 100 percent guarantee an inferior product of any human endeavor if producers are shielded from competition, if producers are not forced to innovate and improve.

Mr. Speaker, just look at the Communist legacy in every single case, especially education. The bureaucrats who just love their government-owned schools and want to protect their monopoly will do so at just about any cost, regardless of whether kids have to receive an inferior education and blighted futures.

Mr. Speaker, it is wrong and I have lost patience with those who refuse to do best for the kids. School choice is the answer.

SUPPORT PUBLIC EDUCATION

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

Ms. DELAURO. Mr. Speaker, what are government-owned schools? Public education. And public education in this great Nation of ours has always been the great equalizer, for it is in fact public education that affords the child of a garment worker, like myself, the same opportunities as the children of university professors, political figures, and business leaders.

Mr. Speaker, my colleagues on the other side of the aisle would work as hard as they can to see the destruction of public education in this country. Today on this floor they will propose to cut Goals 2000, cut Whole School Reform, cut Safe and Drug Free Schools, vital initiatives that in fact, yes, have proven to work.

That is why Democrats are fighting against these Republican efforts. These initiatives help to make our schools safer. They get parents more involved in education. They help school districts to buy new textbooks and train teachers, and they help our students to meet the high standards to ensure that they are learning the basics in reading and mathematics and writing.

Mr. Speaker, that is the direction that we should be going in. I urge my colleagues to support and strengthen fundamental school reform and support our public education system.

EDUCATION REFORM MUST BE A TOP PRIORITY

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

Mr. WELDON of Florida. Mr. Speaker, Alexis de Toqueville wrote in his famous work, ''Democracy in America'' that, ''In America, there cannot be enough of knowledge, for all knowledge benefits those who possess it and those who do not.''

Now, Alexis de Toqueville is quoted all the time, but there is a very good reason for it. He is often right on the mark, so insightful, and so remarkable in his judgment. And de Toqueville's commentary here on the value of knowledge, about how education is important to everyone, is an example of his wisdom.

Mr. Speaker, education is an issue that is important to those with children and those without. If a generation of American schoolchildren is receiving an inferior education, that is a serious problem of concern to us all.

Of course, the reality is that some of our Nation's schools are excellent, some undistinguished and some simply a disgrace. But it is the general trend toward mediocrity, the systematic dumbing down of curricula, textbooks, and standards that I find more alarming.

Mr. Speaker, I know that millions of parents agree, and that is why education reform must be a top priority.

REPUBLICANS SHOULD JOIN WITH DEMOCRATS TO ADDRESS CAMPAIGN FINANCE REFORM

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

Mr. TIERNEY. Mr. Speaker, I rise this morning just to speak briefly about campaign finance reform and the need for this House to address that issue before we go home this fall.

Mr. Speaker, whatever business we do in this House requires that the American people have some faith and confidence in what we do and what action we take. Credibility is something that is lacking as long as the American public senses that we do not have the will to address the issue that is foremost on their minds, underlying all of the other issues which we will debate and are to debate, and that is whether or not we can do away with the perception that money, soft money or hard money, has way too much influence in the way that business is conducted in this House.

Mr. Speaker, the Republicans want to say that this is the responsibility of somebody else, but I tell my colleagues that it was Democrats in the 105th, 102d, and 103d Congresses that brought this issue to the forefront. It was President Bush that vetoed campaign finance reform when it passed, and it was the Senate, led by the Republicans, that stopped it.

Mr. Speaker, there are some Republicans in the House that now want to move forward on this issue. But if they had the majority on their side, and the Republicans are the majority, we would be moving forward on that issue.

So, Mr. Speaker, the responsibility lies with the Republican side of the House to join with the Democrats and deal with the issue of campaign finance reform.

CONGRESS SHOULD EMPOWER PARENTS, NOT BUREAUCRATS

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

Mr. ROGAN. Mr. Speaker, in today's newspaper we learned that the Journal of the American Medical Association is publishing a national study that found when teenagers feel connected to their parents and to their schools, they are less likely to suffer emotional distress, consider suicide, engage in violence, smoke, drink, use drugs, or have early sex.

It may surprise some of our friends on the other side of the aisle who really believe that schools should be run by Washington bureaucrats. Perhaps they believe these favorable findings are achieved only when children feel connected to big government. The truth is, the connection must be to parents and to good schools, not to Washington.

Mr. Speaker, we cannot legislate good parents, but we in Congress can legislate better schools. The way to make schools better is to end the day of Washington bureaucrats and redtape running our local schools. Let us empower parents and teachers and local school districts instead of bureaucrats thousands of miles from the classroom. That would be the greatest legacy we could give to both public education and to our children's future.

CONGRESS SHOULD TAKE CAMPAIGN FINANCE REFORM OUT OF LIMBO

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, our finance system, campaign finance system is riddled with loopholes. Large corporate contributions are routinely spent on Federal elections despite legislation which is intended to limit them.

Mr. Speaker, the leverage these big corporate dollars have on the political process limits the ability of the average citizen to make his or her voice heard in the political process.

It is time for Congress to take campaign finance reform legislation out of limbo and pass substantive reform. With the introduction of a bill crafted by a bipartisan freshman task force, we have a good legislative vehicle to make this happen.

□ 1030

This legislation would take an even-handed step toward reforming the system. It bans soft money contributions, requires full disclosure of independent expenditure campaigns, and tightens up candidate reporting guidelines.

I urge my colleagues to join me in calling for an end to the stalemate on campaign finance reform. Let us bring this to the floor for debate and for a vote.

EDUCATION

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

Mr. GIBBONS. Mr. Speaker, if polled my guess is that each and every Member of this body, regardless of their political philosophy or party affiliation, will claim to be deeply concerned about education. Well, the President's latest national education standards proposal shows that my liberal colleagues care about education all right, the Department of Education.

As though the current 760 Federal education programs are not enough, they want to spend millions more in taxpayer dollars to create yet another bureaucratic program to impose the will of Washington on each and every school district in America. I would urge my liberal colleagues to join those of us who are fighting to send the Federal funding where it will have the greatest effect, to the teachers and students and classrooms of this country.

Mr. Speaker, enough is enough. Education dollars should be spent educating our children, not lining the pockets of Federal bureaucrats.

MORE ON EDUCATION

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

Mr. WEYGAND. Mr. Speaker, I want to address the House this morning for the purposes of talking about perhaps the most important issue I think in all of our districts. That is education.

Like many of my colleagues, I have roundtables in my district. I talk to the consumers of education, students, and parents. One of the most important things is the emerging use of technology in our schools and by our students. Unfortunately, many of our schools, while they may have great computerized systems, they do not have teachers who are qualified to teach those systems. The use of technology is often better handled by our students than by our teachers.

We need to provide the kind of professional training that is necessary for these teachers to better teach our children this technology. As you know, there is the HHS-Education bill before us. Over $75 million of that bill will go toward professional development, some of which will go just for emerging technology. We need to pass this bill today because, quite frankly, education is for all children, not children of the elite; it is not just for the wealthy. It is education for all children. The future of our children is in this technology. Please pass this bill today.

CAMPAIGN FINANCE REFORM

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

Mr. BRADY. Mr. Speaker, it is sad that some Members of Congress this fall are using campaign finance reform as a shield to divert attention from ethical problems in the White House. They make a mockery of an important issue to me and to many of the families in my district and in this country.

As a Republican, my support for restoring some common sense to our campaigns and our financing is based on the belief that in America if you work hard, you can be anything you want to be, including serving in Congress.

I want to help restore some respect and some credibility to Congress, because most people do not think we do the right things for the right reasons. I want hard-working citizens in every community to raise their hand to run for public office, but few do because they cannot afford a million dollars or cannot imagine how they would raise it. We pay a stiff price for this never ending search for the next contribution. It is like a drug, the more we have, the more we need, the more we want, and we can never reach our full potential as a country until we shake this financial monkey from our backs.

Let us begin a thoughtful debate for the right reasons.

BIPARTISAN CAMPAIGN FINANCE REFORM

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, beginning with our first weeks of orientation, I believed this freshman class was a class that could work together. We wanted to talk together about the different points of why we ran.

I have to say, working with my freshman class, one of the things that we both agreed on was campaign finance reform.

Mr. Speaker, we have to do campaign finance reform. I do not want to waste my time trying to raise money. I want to do the people's work. We are not in the majority here. There are a number of freshman Republicans and Democrats who want to bring a bill on to the floor for campaign finance reform. Please, allow this to happen now so that we can have faith in the American people and they can have faith in us. Mr. Speaker, it is time to do it now.

CAUGHT WITH THEIR HANDS IN THE COOKIE JAR

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

Mr. WHITFIELD. Mr. Speaker, President Clinton and Vice President GORE got their hands caught in the cookie jar. If they did not violate Federal campaign laws, they came as close to wholesale violations as any Presidential campaign in the history of America.

Now that the President cannot seek reelection, he has made campaign finance reform a primary goal. Labeling efforts to change finance laws as reform does not mean it will be better.

In fact, most campaign finance reform proposals would make our system worse. We spend more money advertising Coca-Cola, beer, pizza, and washing detergent than we do on political campaigns in Federal offices. Political action committees have brought people into the political system, individuals voluntarily contributing money. We

should encourage that participation, not discourage it.

I, for one, do not want the Federal Government controlling who contributes money and who they contribute it to, a clear violation of first-amendment rights.

Members of this body should not be stampeded into supporting campaign finance reform simply because a few people view it as politically correct.

MORE ON CAMPAIGN FINANCE REFORM

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, we need to vote on and pass campaign finance reform. The Speaker has said that there is not enough money in the system. Yet everyone else knows that there is too much money in the system.

In the 1996 elections, soft money rolled into campaigns at a record level. We need to ban soft money. The American people want elections, not auctions to the highest bidder or the person who can spend the most money to buy and win an election.

The opposition party has budgeted $12 to $15 million to investigate the 1996 campaigns, yet they have not scheduled one hearing on how to reform the election process. We need to legislate, not just investigate.

Mr. Speaker, you promised the President in the famous handshake in New Hampshire that you would vote on and work and pass campaign finance reform. Mr. Speaker, it is time to turn the promise of your handshake into the reality of a law.

RICHIE ASHBURN

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

Mr. WELDON of Pennsylvania. Mr. Speaker, yesterday we lost a Philadelphia legend, a baseball legend and an American legend. Richie Ashburn passed away at 6 a.m. yesterday morning after having broadcast the baseball game for the Phillies the evening before.

Richie Ashburn was involved in major league baseball for 50 years of his life. Forty-seven of those years with the Philadelphia Phillies organization. He was Rookie of the Year, two-time national league batting champ. Nine times he batted over .300. He had an exemplary career and was recognized by being inducted into the baseball Hall of Fame in 1995.

But Richie Ashburn, being one of the Whiz Kids from Philadelphia, was more than a baseball legend. He was a role model. He was an example for this country and our young people to follow and to look up to. He really was an American hero.

Born and raised in Tilden, NE, he became the favorite son of the city of Philadelphia and the region around the Philadelphia city. In fact, his most famous quote was, in talking about his city that he loved so dearly, ''If I looked at my life and I had a chance to change it, I wouldn't change anything. I really wouldn't. Philadelphia is where I wanted to be, and where I wanted to play, and where I wanted to live.''

We are going to miss Richie Ashburn.

FIGHT TO IMPROVE PUBLIC SCHOOLS

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

Mr. ETHERIDGE. Mr. Speaker, I rise to call on this Congress to support our public schools. As the first member of my family to graduate from college, I know firsthand that quality public education is the key to the American dream, an opportunity for all children, not just the privileged few or those who have funds.

As a former superintendent of my State's schools, I know that educating all of our children is the key to America's strength and our Nation's security.

There is a lot of arguing in Washington today about the role of the Federal Government in education. But I have spent many hours in the classrooms of my State. No child has ever asked me who paid for the books, who paid for the building or who paid for the computer. Children only know what they have received or whether or not they have been denied an education. We must stop this bickering over the role of the Federal Government. These are our children. They are America's children.

We have a responsibility to make sure that they have the opportunity for a good education. We must build new schools, rebuild old ones, raise education standards, involve parents in education, improve the quality of our teachers, and make our schools safe. We can become the education Congress.

TOBACCO TAX

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

Mrs. ROUKEMA. Mr. Speaker, I want to bring to my colleagues' attention here a letter that is probably in their offices today from me requesting them to join me and cosign a letter to the Speaker on the subject of the tobacco tax giveaway that was buried in the tax bill that we passed last August. This is really not an issue that is going to go away. Nor should it. We owe it to our constituents to correct this onerous tax windfall to big tobacco. I am suggesting that we take the lead of the other body, which is debating this very issue today. But under our rules, we need the Speaker to schedule this vote.

Mr. Speaker, if we neglect this issue we will again be feeding the cynicism of the American people. This will detract from and undermine our own success in the budget and the tax bill that we passed. Now we find out that there was a provision, a big giveaway, multiple billions of dollars, maybe $50 billion over time to the tobacco industry.

I am urging to my colleagues that whatever merits there are on either side, and I obviously take one side of the issue, I do not like it. It is wrong. But whatever merits there are, the Speaker has an obligation to call up for a vote repeal of this onerous windfall to big tobacco, schedule the bill, and begin to restore the professionalism, integrity, and honor of the House of Representatives.

THE SPIRIT OF CONGRESSMAN GEORGE WILLIAM CROCKETT III, WILL LIVE FOREVER IN THOSE WHO LOVE JUSTICE

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

Ms. KILPATRICK. Mr. Speaker, I would like to formally announce the passing of our former colleague, Congressman George William Crockett, Jr., who passed on Sunday, September 7, 1997, here in the Washington, DC, area.

Congressman Crockett was born in Jacksonville, FL. He earned his law degree from the University of Michigan and, in 1943, was appointed by President Roosevelt as the first African-American lawyer to serve in the U.S. housing department.

In 1986, after being elected in 1981 and serving 10 years, Congressman Crockett authored the Mandela freedom resolution. He was an outstanding jurist, husband, father, and grandfather.

It is my honor and privilege, Mr. Speaker, to ask that when the House of Representatives adjourn tonight, that we do so in honor of Judge Crockett. There will be a private memorial funeral for the family this evening here in the Washington, DC.

On Saturday at noon in the city of Detroit at 11 a.m. at Hartford Memorial Baptist Church, the final resting and memorial service will be held for Congressman Crockett.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. 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 37, nays 370, not voting 26, as follows:

[Roll No. 380]

YEAS—37

Allen	Filner	Meehan
Berry	Ford	Miller (CA)
Bonior	Frank (MA)	Mink
Boyd	Gejdenson	Olver
Coyne	Gephardt	Pallone
Davis (FL)	Hastings (FL)	Pelosi
DeFazio	Hinchey	Reyes
Delahunt	Johnson (WI)	Torres
DeLauro	LaFalce	Waxman
Dingell	Lewis (GA)	Woolsey
Doggett	Lowey	Yates
Eshoo	McDermott	
Farr	McNulty	

NAYS—370

Abercrombie	Cooksey	Hamilton
Ackerman	Costello	Hansen
Aderholt	Cox	Harman
Andrews	Cramer	Hastert
Archer	Cubin	Hastings (WA)
Armey	Cummings	Hayworth
Bachus	Cunningham	Hefley
Baesler	Danner	Hefner
Baker	Davis (VA)	Herger
Baldacci	Deal	Hilleary
Ballenger	DeGette	Hilliard
Barcia	DeLay	Hinojosa
Barr	Deutsch	Hobson
Barrett (NE)	Diaz-Balart	Hoekstra
Barrett (WI)	Dickey	Holden
Bartlett	Dicks	Hooley
Barton	Dooley	Horn
Bass	Doolittle	Hostettler
Bateman	Doyle	Houghton
Becerra	Dreier	Hoyer
Bentsen	Duncan	Hulshof
Bereuter	Dunn	Hunter
Berman	Edwards	Hutchinson
Bilbray	Ehlers	Hyde
Bilirakis	Ehrlich	Inglis
Bishop	Emerson	Istook
Blagojevich	Engel	Jackson (IL)
Bliley	English	Jackson-Lee (TX)
Blumenauer	Ensign	Jefferson
Blunt	Etheridge	Jenkins
Boehlert	Evans	John
Boehner	Everett	Johnson (CT)
Bonilla	Ewing	Johnson, E. B.
Borski	Fattah	Johnson, Sam
Boswell	Fawell	Jones
Boucher	Fazio	Kanjorski
Brady	Flake	Kaptur
Brown (CA)	Foley	Kasich
Brown (FL)	Forbes	Kelly
Brown (OH)	Fowler	Kennedy (MA)
Bryant	Fox	Kennedy (RI)
Bunning	Franks (NJ)	Kennelly
Burr	Frelinghuysen	Kildee
Burton	Frost	Kilpatrick
Buyer	Furse	Kim
Callahan	Gallegly	Kind (WI)
Calvert	Ganske	King (NY)
Camp	Gekas	Kingston
Campbell	Gibbons	Kleczka
Canady	Gilchrest	Klink
Cannon	Gillmor	Klug
Capps	Gilman	Knollenberg
Cardin	Goode	Kolbe
Castle	Goodlatte	Kucinich
Chabot	Goodling	LaHood
Chambliss	Gordon	Lampson
Chenoweth	Goss	Lantos
Christensen	Graham	Largent
Clement	Granger	Latham
Coble	Green	LaTourette
Coburn	Greenwood	Lazio
Collins	Gutierrez	Leach
Combest	Gutknecht	Levin
Condit	Hall (OH)	Lewis (CA)
Cook	Hall (TX)	Lewis (KY)
Linder	Paxon	Skaggs
Lipinski	Pease	Skeen
LoBiondo	Peterson (MN)	Skelton
Lofgren	Peterson (PA)	Smith (MI)
Lucas	Petri	Smith (OR)
Luther	Pickering	Smith (TX)
Maloney (CT)	Pickett	Smith, Adam
Maloney (NY)	Pitts	Smith, Linda
Manton	Pombo	Snowbarger
Manzullo	Pomeroy	Snyder
Markey	Porter	Solomon
Martinez	Portman	Souder
Mascara	Poshard	Spence
Matsui	Price (NC)	Stabenow
McCarthy (MO)	Pryce (OH)	Stark
McCarthy (NY)	Quinn	Stearns
McCollum	Radanovich	Stenholm
McCrery	Rahall	Stokes
McDade	Ramstad	Strickland
McGovern	Redmond	Stump
McHale	Regula	Stupak
McHugh	Riggs	Sununu
McInnis	Riley	Talent
McIntosh	Rivers	Tanner
McIntyre	Rodriguez	Tauscher
McKeon	Roemer	Tauzin
McKinney	Rogan	Taylor (MS)
Meek	Rogers	Taylor (NC)
Menendez	Rohrabacher	Thomas
Metcalf	Ros-Lehtinen	Thompson
Mica	Rothman	Thornberry
Millender-McDonald	Roukema	Thune
Miller (FL)	Roybal-Allard	Thurman
Minge	Royce	Tiahrt
Moakley	Rush	Tierney
Mollohan	Ryun	Towns
Moran (KS)	Sabo	Traficant
Murtha	Salmon	Turner
Myrick	Sanchez	Upton
Nadler	Sanders	Velazquez
Neal	Sandlin	Vento
Nethercutt	Sanford	Visclosky
Neumann	Sawyer	Walsh
Ney	Saxton	Wamp
Northup	Scarborough	Watkins
Norwood	Schaefer, Dan	Watt (NC)
Nussle	Schaffer, Bob	Watts (OK)
Oberstar	Schumer	Weldon (FL)
Obey	Scott	Weldon (PA)
Ortiz	Sensenbrenner	Weller
Oxley	Serrano	Wexler
Packard	Sessions	Weygand
Pappas	Shadegg	White
Parker	Shaw	Whitfield
Pascrell	Shays	Wicker
Pastor	Sherman	Wolf
Paul	Shimkus	Wynn
	Shuster	Young (AK)
	Sisisky	Young (FL)

NOT VOTING—26

Bono	Dellums	Payne
Carson	Dixon	Rangel
Clay	Foglietta	Schiff
Clayton	Gonzalez	Slaughter
Clyburn	Hill	Smith (NJ)
Conyers	Livingston	Spratt
Crane	Moran (VA)	Waters
Crapo	Morella	Wise
Davis (IL)	Owens	

□ 1106

Mrs. CUBIN and Messrs. ROGAN, GOODLATTE, and MOAKLEY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. SCARBOROUGH. Mr. Speaker, with the Democrats calling these motions to adjourn based on campaign finance reform not coming to the floor, my parliamentary inquiry is this: Would the bill that they speak of erase the abuses that the New York Times reported today this morning when it said, Democrats Skimmed $2 Million To Aid Candidates?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman from Florida has not stated a parliamentary inquiry.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 352, noes 58, not voting 23, as follows:

[Roll No. 381]

AYES—352

Ackerman	Collins	Gordon
Aderholt	Condit	Goss
Allen	Conyers	Graham
Andrews	Cook	Granger
Archer	Cooksey	Green
Armey	Cox	Greenwood
Bachus	Coyne	Gutierrez
Baesler	Cramer	Hall (OH)
Baker	Crane	Hall (TX)
Baldacci	Cubin	Hamilton
Ballenger	Cummings	Hansen
Barcia	Cunningham	Harman
Barr	Danner	Hastert
Barrett (NE)	Davis (FL)	Hastings (FL)
Barrett (WI)	Davis (VA)	Hastings (WA)
Bartlett	Deal	Hayworth
Barton	DeGette	Hefner
Bass	DeLay	Herger
Bateman	Deutsch	Hill
Becerra	Diaz-Balart	Hinojosa
Bentsen	Dicks	Hobson
Bereuter	Dingell	Hoekstra
Berman	Dixon	Holden
Berry	Dooley	Hooley
Bilbray	Doolittle	Horn
Bilirakis	Doyle	Hostettler
Bishop	Dreier	Hoyer
Blagojevich	Duncan	Hulshof
Bliley	Dunn	Hunter
Blumenauer	Edwards	Hutchinson
Blunt	Ehlers	Hyde
Boehlert	Ehrlich	Inglis
Boehner	Emerson	Istook
Bonilla	Engel	Jackson (IL)
Boswell	Eshoo	Jackson-Lee (TX)
Boucher	Etheridge	Jefferson
Boyd	Evans	Jenkins
Brady	Ewing	John
Brown (FL)	Farr	Johnson (CT)
Bryant	Fattah	Johnson (WI)
Bunning	Flake	Johnson, E. B.
Burton	Foley	Johnson, Sam
Buyer	Forbes	Jones
Callahan	Ford	Kanjorski
Calvert	Fowler	Kaptur
Camp	Franks (NJ)	Kasich
Campbell	Frelinghuysen	Kelly
Canady	Frost	Kennedy (MA)
Cannon	Gallegly	Kennedy (RI)
Capps	Ganske	Kennelly
Cardin	Gejdenson	Kildee
Castle	Gekas	Kilpatrick
Chabot	Gibbons	Kim
Chambliss	Gilchrest	Kind (WI)
Chenoweth	Gillmor	King (NY)
Christensen	Gilman	Kingston
Clement	Goode	Kleczka
Coble	Goodlatte	Klink
Coburn	Goodling	

Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stokes
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—58

Abercrombie
Bonior
Borski
Brown (CA)
Brown (OH)
Costello
DeFazio
Delahunt
DeLauro
Dickey
Doggett
English
Ensign
Everett
Fawell
Fazio
Filner
Foglietta
Fox
Frank (MA)
Furse
Gephardt
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Kucinich
Lewis (GA)
LoBiondo
McDermott
Menendez
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Rogan
Sabo
Schaffer, Bob
Stearns
Stenholm
Strickland
Stupak
Sununu
Taylor (MS)
Thompson
Thune
Velazquez
Visclosky
Wamp
Watt (NC)
Watts (OK)
Weller
Wynn

NOT VOTING—23

Bono
Burr
Carson
Clay
Clayton
Clyburn
Combest
Crapo
Davis (IL)
Dellums
Gonzalez
Houghton
McKeon
Moran (VA)
Morella
Myrick
Owens
Payne
Rangel
Schiff
Slaughter
Smith (NJ)
Waters

□ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. MCDERMOTT. Mr. Speaker, in order that the House have time to work on campaign finance reform, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JONES). The Chair has only recognized the gentleman to offer a motion, which is not debatable, and the gentleman should not preface his motion with debate.

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

Mr. MCDERMOTT. 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 36, nays 368, not voting 29, as follows:

[Roll No. 382]

YEAS—36

Allen
Barrett (WI)
Berry
Bonior
Boyd
Buyer
Conyers
Coyne
Davis (FL)
DeLauro
Dicks
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Johnson, E.B.
Lewis (GA)
McDermott
McNulty
Miller (CA)
Mink
Olver
Pallone
Pelosi
Stupak
Thurman
Weygand
Woolsey

NAYS—368

Abercrombie
Ackerman
Aderholt
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—29

Archer
Baesler
Carson
Chenoweth
Clyburn
Cummings
Davis (VA)
DeFazio
Dellums
Edwards
Gekas
Gonzalez
Hastert
Houghton
Hutchinson
Johnson, Sam
McCollum
Morella
Owens
Pickering
Rangel
Roukema
Schiff
Slaughter
Smith (TX)
Waters
Waxman
Weldon (FL)
Weldon (PA)

□ 1146

Mr. BACHUS changed his vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of H.R. 2264, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1149

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 9, 1997, the bill was open for amendment from page 64, line 1, through page 65, line 3.

Are there any amendments to this portion of the bill?

AMENDMENT NO. 43 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. PETERSON of Pennsylvania:

Page 64, line 7, after each dollar amount, insert ''(decreased by $20,000,000)''.

Page 69, line 26, after each dollar amount, insert ''(increased by $20,000,000)''.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise today to ask for support for the Peterson-Blunt amendment. Mr. Chairman, I would first like to thank the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee, for his willingness to facilitate this amendment. I would also like to thank the gentleman from Wisconsin [Mr. OBEY], ranking member, for his cooperation, and I would also like to thank the gentleman from Missouri [Mr. BLUNT] for his support of this amendment.

Mr. Chairman, this amendment is offered to reaffirm actions taken by the House at the end of July. Before we left, this body overwhelmingly adopted H.R. 1853, the Carl D. Perkins Vocational and Technical Education Amendments Act, by a vote of 414 to 12.

Mr. Chairman, it was this tremendous support that encouraged me to offer this amendment. The amendment which I am offering today will increase the vocational education basic State grant account by $20 million, with an offset from the Goals 2000 Program.

Vocational education is a very essential part of our educational system and particularly for rural America. For a variety of reasons, a postsecondary education is not the answer for every student, with many of them living in rural America. In fact, about half of our Nation's graduating senior class will choose to attend college and roughly half of those will receive a degree.

Mr. Chairman, a responsible and appropriate avenue for outfitting the rest of our Nation's youth with the skills to make them attractive and competitive in the job market is a commitment from the Federal Government in assisting local schools. The best avenue for this commitment is through continued support of vocational education.

Mr. Chairman, true education reform will only take place at the local level. It is time that we provide the resources to our schools to make the needed and necessary changes for improvement. H.R. 1853 will enable this to happen by directing more funds to local education agencies and removing a number of requirements which prevent school districts from taking steps necessary for providing an appropriate academic education.

How significant is a $20 million increase for a program funded at nearly $1 billion? In these times of budget constraint, any increase is significant. However, Mr. Chairman, if H.R. 1853 were law, the formula that we have in it will drive 90 percent of the money down to the school districts, where historically under the current vocational act only 75 percent of the money actually reached the school districts. So this will be a significant increase, the 2 percent that the $20 million will give.

Mr. Chairman, to put this another way, a 2-percent increase will enable a 20-percent increase in funding for local education agencies if the House-passed measure becomes law. Being a legislator for nearly 20 years now, I have always felt it was important to reinforce legislative improvements through the budget process.

By adopting the Peterson-Blunt amendment, we will be doing just that and sending a message to the American people that we are serious about legislation enacted by this body. Vocational education is a vital program for the future of America.

This legislation, overwhelmingly agreed to, is good legislation. I urge my colleagues to support both. Support this amendment.

Mr. Chairman, it is my understanding that the amendment is agreeable to both sides and will be accepted. For that I again thank the gentleman from Illinois and the gentleman from Wisconsin for their willingness to work with us.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe that the gentleman from Pennsylvania [Mr. PETERSON] offers an excellent amendment, and we will accept the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am frankly of mixed views on this amendment. Let me simply recite for the committee what has already transpired with respect to Goals 2000.

Mr. Chairman, last year Goals was funded at $491 million level. The administration asked for a $620 million funding level this year. The bill as reported by the committee cut Goals 2000 to $475 million, which is $16 million below the previous year.

On the floor, we had an amendment adopted which cut it further to $462 million, and now this amendment cuts it to $442 million.

Mr. Chairman, I would simply point out to the House that this Goals 2000 issue, which has become so politicized, started out as a joint effort of President Bush and the National Governors. The person who headed up, or one of the two Governors who headed up the Governors' Task Force on Education, working with the President, was a fellow by the name of then-Gov. Bill Clinton. I remember going to a conference and talking with a number of Governors, including then-Governor Clinton, about it.

Mr. Chairman, I am baffled by why it has become so politicized, and I have misgivings about this amendment. But I am willing to accept it as a gesture of goodwill, indicating flexibility on our part. But I have to say in the process that as this bill moves through, it is important to remember that there are three different groups who have to be satisfied in the end for this legislation to pass. The legislative priorities of the majority in this House have to be respected; the legislative priorities of the minority in this House have to be respected; and so do the legislative priorities of the President.

That does not mean we have to rubber stamp everything that he does, and we do not have to rubber stamp everything that each other does. But I think that we are at a point where we have cut this program far enough.

Mr. Chairman, I am willing to accept the gentleman's amendment. I have been a longtime supporter of vocational education. The first issue I ran on when I ran for the State legislature was reform of vocational education. When I was in the legislature, we created on a bipartisan basis an entirely new system of vocational education and technical schools in my own State.

So, recognizing that, I am willing to accept the amendment of the gentleman from Pennsylvania [Mr. PETERSON], but I would simply say that I think we have gone far enough and I hope we can move on and get away from using this program as a punching bag, because I think it is not the only tool that is useful, but it is certainly one of the tools which, used in concert with others, can help to raise standards and to raise performance. And that is, after all, what I think the Federal role ought to be in the area of education.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, and particularly thank the gentleman from Pennsylvania [Mr. PETERSON] for working so hard to put this amendment together and to make it work.

Mr. Chairman, I have been trying in this debate to find some additional money for vocational education. I think this movement forward is helpful. We had frozen vocational education at last year's funding at a time when I think we are working in every possible way to get people to the workplace, people who have not been there before through welfare reform; people who are out of high school or did not get out of high school who need additional training.

Vocational education is critically important. I am certainly glad to hear both the gentleman from Illinois [Mr. PORTER], the chairman, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, agree to accept this change to add this money to vocational education.

Mr. Chairman, I look forward to this amendment becoming part of the package that the House passes, and then I am hopeful that we will also be committed, realizing what I just heard about the importance of everybody being in agreement, to uphold the House's position and keep this additional $20 million for vocational education in this bill when it comes back to the House from conference.

This is an important step, going along with the step that we have already taken in passing the authorization legislation that, as the gentleman from Pennsylvania has pointed out, sets a new standard of money in vocational education that gets to the classroom where students are affected by it.

□ 1200

That new standard of 90 percent, essentially under local control and maybe, more importantly, under the control of a local teacher, of the teacher in the classroom, as opposed to 75 percent, is an important standard for us to meet. To add to that some additional funding for vocational education in a program that is critical to the future of the country is going to be a good thing to see.

I hope we see it in the final bill as well. I am grateful that the chairman and the ranking member have agreed to be supportive of this amendment and grateful to the gentleman from Pennsylvania [Mr. PETERSON] for not only letting me work with him but for working so hard to put this amendment together.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. PETERSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOB SCHAFFER OF COLORADO

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOB SCHAFFER of Colorado:

Page 64, line 7, after each dollar amount, insert ''(decreased by $40,000,000)''.

Page 65, lines 7 and 8, after each dollar amount, insert ''(increased by $40,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, this amendment doubles the $40 million provided for prevention and intervention programs for children and youth who are neglected and delinquent or at risk of dropping out by transferring $40 million from the Goals 2000 Program. This formula grant program provides services to participants in institutions for juvenile delinquents, correctional institutions, and institutions for the neglected.

The bill calls for $39,311,000, which is about a little over a million less than the budget request and the same as fiscal year 1997. Arrest rates for juveniles have more than tripled in the last decade. The average stay in youth correction facilities is about 1 year for crimes against persons, 248 days for drug offenses, and 17 days for weapons crimes. The total number of juveniles arrested that are under the age of 18 rose 20.1 percent between 1991 and 1995. The need for education is growing. Giving incarcerated juveniles an education is something that liberals and conservatives can both agree on and understand that it benefits children and the public.

Juvenile crime has increased significantly over the last few years and represents an alarming and tragic trend. A good education is one of the few things that can help children out of a life of crime and despair and give them the tools to live a productive and happy life. Without education, these children remain without hope.

High school dropouts similarly need special consideration since they are all but doomed to a life of poverty. The needed money that this amendment represents will go to State programs to prevent at-risk children from dropping out. The amendment would take money out of the hands of a program that is totally administrative and put it into the hands of vulnerable children and their teachers specifically but directly to assist vulnerable children.

The Government has asked for $475 million for the Goals 2000 Program but only $40 million for these at-risk children. The $40 million increase that we are proposing in this amendment will show in a more direct and a more positive way our commitment to these children.

In my State, 1,165 children are served in various State programs at the State level and local level that these funds are directed to. That's just in my State as an example.

The amendment, of course, applies nationally. These funds are distributed to State and local programs. These are local dollars that we would be empowering. State grants go directly to the facilities where these children are taught and into homes for delinquent and abandoned or neglected children. They are used to hire teachers, provide supplementary education for children who are not achieving at their grade level and who are failing to meet State standards in academic areas, and those who are targeted as at great risk of dropping out. Funds are, and what has been known as the title I program, that is the shift we are attempting to make.

Mr. Chairman, let me just state again that with respect to children who are at risk, those at risk of dropping out of school because of the economic setting or situation that they may be in or any other conditions that may lead to that particular designation are worthy of our attention here in Congress and States, I would submit, are most capable of assisting them. These dollars just support States and local communities, people who know what they are doing and have achieved real results.

One of the individuals back in my home State in the Department of Education commented that this particular area in education is the most neglected area of assisting children in our education system and could use not only the dollars that the small amount that we are proposing in the amendment but far beyond that.

I think the $40 million shift is a reasonable amount, one which I suspect will be supported widely and is greatly anticipated not only by the young children who deserve our thought and consideration, our support and help, but those who are committed to them, their teachers, parents in many cases, and those who are also dedicated to improving the lives of children back in our home States.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] insist on the point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is another in a series of amendments being offered by a small band of Members on the other side of the aisle to, in essence, on an amendment-by-amendment basis gut one of the two top priorities of the President in this bill.

I did not vote for the budget agreement. I have minimum high regard for the budget agreement. I think that in many ways the budget agreement that was endorsed by a majority of both parties is a public lie because I do not believe that the spending cuts which are contained in that budget agreement will, in fact, in the fourth and fifth years, be voted for by Members of either party. But nonetheless, the Congress adopted it.

When we did so, we reached certain understandings with both branches of Government and with both parties. That understanding was that, as I said earlier, the priorities of each of the parties, the priorities of the President would be largely respected.

We have already seen now two cuts adopted on the House floor with respect to goals. This cuts another $40 million out of one of the President's top two priorities, so we have already seen one of the President's top two priorities reduced by a substantial amount.

The account to which the gentleman would transfer this money has not been cut. In fact, that subaccount within title I has been level funded so there is no dollar reduction in that program. In fact, the overall title I program, which is directed at improving standards, improving performance on the part of our disadvantaged children has been increased by $400 million. In fact, we are providing over $8 billion to deal with the problems of those children. And I am committed to each and every one of those. I have spent my life in this House championing each and every one of them, often over the opposition of a good many Members on the other side of the aisle. I would point out that the gentleman himself voted just 2 years ago to cut title I, the program which is being enhanced by his amendment, he voted to cut it by over $1 billion.

What I will simply say is that we can do this all day long. But if amendments are adopted on the House floor that savage the President's top two priorities, this bill will not be supported on this side of the aisle and this bill will wind up where apparently a small band of Members on that side of the aisle want to see it. It will be part of a continuing resolution.

I think, substantively, that will be bad for the country, but politically, to be frank about it, it will demonstrate that even after the two parties have made an agreement, that side of the aisle is incapable of living up to that agreement.

I do not think that is in the interest of the gentleman's party or this House or the political system in general.

I also would point out that this bill will not become law and neither will a continuing resolution if the President's priorities are not respected to the same degree that other people's priorities are respected. I would say to those Members of the House in both parties, we have a choice. We can produce a bill which is signable, which is passable and which will end the wars that have accompanied this bill for the past 2 years.

As we know, this bill was a large part of the reason that the Government was shut down 2 years ago. We can follow that course again or we can try to reach a reasonable compromise between our views. That is what the committee product represents. I think the House ought to stick to that. I would urge rejection of the amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Colorado, Mr. BOB SCHAFFER.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I just wanted to point out with respect to the ranking member's recollection of my voting record on this particular topic, it is remarkable since 2 years ago I was not a Member of Congress and for me to have voted on that would have been a tremendous achievement, I assure my colleagues.

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

Mr. SOUDER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I stand corrected. I apologize. I was looking at the amendment and I saw the name of the gentleman from Indiana [Mr. SOUDER] on it, who originally intended to offer the amendment. He was here and did so vote. I apologize for a case of mistaken identity.

Mr. SOUDER. Mr. Chairman, reclaiming my time, I will always be pleased to be confused with the gentleman from Colorado, Mr. BOB SCHAFFER. I am proud of my vote the last time, so I stand here saying that the gentleman from Wisconsin [Mr. OBEY] has worked with us on a number of points, and we appreciate that, but in general, it is easy to talk peace while carrying a sword to some degree.

He knows that in fact we have worked with the President. We have agreed to work and compromise on a number of things in the budget agreement. He admits that he voted against the budget agreement whereas I voted for the budget agreement. So I think it is important in the American people, at least many of the people, there are some who are on the left or the right who have some justifiable criticisms with it but for the most part we are trying to move forward.

When we agreed to the tax cuts in return for the President's spending more money, and presumably spending more money in education and social programs, many of us who were conservatives who had voted in the past to reduce the size of Government in Washington, to cut the spending here and give more power to the people back home, more power to the State governments, local governments, to parents and doing that through tax cuts and through transfer of funds to States with block grants, once we were defeated and the money is going to be spent at the Federal level, which, in effect, this budget agreement did, we can have a legitimate debate in Congress about how we are going to spend that money in Washington without having and being maligned about us trying to shut down the Federal Government, without us having to hand our voting cards over to the President of the United States and say we just have to take his priorities on education. We can discuss what are the best ways once we are going to spend these dollars at the Federal level on kids without the constant threat that the President is going to veto the bill if we win one vote and shut down the Government because, quite frankly, it is a joint thing when the Government shuts down.

□ 1215

It was not just us so-called radical then-freshmen who shut down the Government. We passed our bills; the President of the United States refused to sign them. We bear joint responsibility when something like that happens.

We need to try to work through this. And this does not mean that we have to roll over and say, oh, we are going to sign off on every priority the President has. As I understand from our negotiators, we did not agree that we were surrendering our right to reshape appropriations bills. What we did agree to is, we are going to put more money into education and youth programs, and we have been trying to do that.

In fact, in title I of this amendment, we tried to move more money to education, because we also said that we did not believe, for example, in increasing OSHA; and then when we increased OSHA, we tried to move it into the compliance section rather than enforcement and administration, and we were defeated on that effort. We were trying to move money into education, and the minority voted against transferring those funds into education. So this is not a battle against transferring funds into education.

Furthermore, we have been constantly maligned in the last few days as to whether we are trying to filibuster. The gentleman from Wisconsin [Mr. OBEY] has been careful not to do that. In this case, he merely said we were offering a series of amendments, and that is true, and I think people are starting to realize that what we are doing is, we are having, and the gentleman from Illinois [Mr. PORTER] encouraged us to do that when we were negotiating before these debates started, to have a good and healthy debate for the American people of what are our priorities, where do we think they should go.

Those of us who wanted to cut expenditures and move power back to the States have now, in effect, at least in this Congress, had to back up a step and say, OK, the Federal Government is going to do it. In this case, the gentleman from Colorado, Mr. BOB SCHAFFER, proposing to move money from a program which admittedly does not put

a straitjacket on State and local governments by having Goals 2000, but certainly puts a framework which pushes States toward that, which then puts pressure on the State educational leaders, on the local school boards to say, well, these are the national goals; are we going to be below the national level?

If we would have put in the national history standards, which were an abomination, every school district would have been under tremendous pressure to explain why their standards were not like the ''national history standards.'' That is the danger of something like this, not that there is a straightjacket that forces people to do it, but that momentum overwhelms the ability of local governments to resist it.

On the other hand, in the neglected and high-risk youth, as someone who has worked as the Republican staff director when the Republicans were a minority on the children and family committee, then worked in the Senate with Senator COATS on children and family issues.

Then I have been a member of the Subcommittee on Early Childhood, Youth and Families; I cannot think of a more needed area than to work with these high-risk youth, and that is a better way to target our funds.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to ask the gentleman from Colorado, Mr. BOB SCHAFFER, where this money would actually end up under his amendment. It would come out of Goals 2000 and go into this program, but who would actually receive these funds?

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. The dollars are headed to State and local grant-related programs that assist neglected or delinquent children in State-supported institutions, could be correctional facilities or other institutions for neglected and delinquent children.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the gentleman, because the way I read the amendment, it would take the money out of Goals 2000 over which local school districts have discretion.

As the gentleman may know, under the Istook amendment, that was adopted in the last year's appropriation, and I think it was a very good amendment. It eliminated the need for States to submit their improvement plans under Goals 2000 to the Secretary of Education, it eliminated the National Education Standards and Improvement Council, it removed the requirement for States to develop opportunity to learn standards, and most importantly, the revision allows the States and localities to use all of their Goals 2000 money for the purchase of technology if they so choose. That seems to me a very high and important priority.

This money, that now could be used by local school districts for education technology needs, is instead going out of the education system, controlled by local school boards; and it is going to go to institutions for juvenile delinquents. It is going to go to adult correctional facilities and institutions for the neglected. In other words, it is going out of the public school system entirely and going for other purposes.

I personally think that the use of the money in Goals 2000, where school districts have a great deal of discretion as to how that money can be used, is a better use of the money than for the Neglected and Delinquent Youth program.

I am not a great fan of Goals 2000, but we spend $8.2 billion in title I, and this is a title I program. Within title I we spend $40 million, for neglected and delinquent youth. We are going to put $40 million more, or double this account, in 1 year under the gentleman's amendment. The gentleman will make it go from $40 million in the bill to $80 million in one amendment.

The amendment would double the request of the President of the United States as to what is needed in this account; and very frankly, I would simply rather see this money go to the local school districts and allow them to decide whether they want to use it for education, the Goals 2000 programs, or for educational technology, which many of them do.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, will the gentleman further yield?

Mr. PORTER. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, the gentleman suggests that the amendment represents dollars going out of school districts entirely toward other types of settings, which I would refute and reject and believe that that cannot be supported.

In fact, this is a grant program. School districts, in many cases and, in fact, in most cases, also apply for these funds, receive these funds for the assistance of at-risk children.

Now, these activities take place in schools of all sorts, and they are at the will and liberty to apply for the grants just as any other institution may. The real question, though, is that we are talking about specific individuals.

Now, while some may measure fairness based on a relationship between institutions, others of us measure fairness on a relationship of how we treat individuals, whether they are a child at risk and subjected and entitled to a public education, be it at an elementary school, be it at a special home that has been created for a neglected or an abused child, or in a juvenile correctional facility. We are talking about dollars that are going directly to children to assist children.

Now, frankly, I am less impressed by how one building or one group of education bureaucrats fares compared to another. I think the American people, in general, are more inspired by what we can do for children and for individuals who have the greatest need, who are at the greatest risk.

This amendment, in fact, gets dollars to children who need it most wherever they may be.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Mr. Chairman, I am not aware that the gentleman, and let me say I share the gentleman's lack of enthusiasm for Goals 2000, but I am not aware that the gentleman has shown any support up till now for the program that he would increase. He did not come to testify before our subcommittee in that regard nor write us regarding this program.

I am not a fan of Goals 2000, but I think the money under Goals 2000 has a great deal more flexibility for use that local school districts would provide. And it seems to me increasing a program that even the President of the United States thinks is fully funded at $40 million to $80 million is just not a good concept to follow.

It does not make any sense to me whatsoever, and I would urge the Members to reject the amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respectfully join in the points made by the gentleman from Illinois relative to what happens to the money that is taken out of the Goals 2000 Program and put into the section where the gentleman who offers the amendment would like to have the money put.

I am reading from the law here, which says that the purpose and method of operation of that particular program provides financial assistance to State educational agencies for education services to neglected and delinquent children and youth under age 21 in State-run institutions for juveniles and adult correctional institutions. It says the funds are allocated to the individual States through a formula based on the number of children in State operations and per pupil counts in State institutions that provide at least 20 hours of instruction from non-Federal funds; that adult correctional institutions must provide 15 hours per week.

Mr. Chairman, I do not know of anyone in the Congress that has worked harder over the years to provide money for programs for at-risk, neglected, and delinquent children than I have. I have sat on this subcommittee for more than 20 years urging that we put money into programs that will avoid at-risk children and neglected and delinquent children having to go to State-run institutions and adult correctional institutions.

The money that is being taken out of there, if it were going into a program to help these children avoid becoming at risk and avoid becoming delinquent, it would be the proper way to put the money. But when we look at the Goals 2000 Program, that program is designed so as to keep these children from becoming at risk and becoming children who later on become inmates in State-run institutions and adult correctional institutions.

I think we might just for a moment take a look at what the Goals 2000 Program actually does. This program reflects over a decade of rethinking of American education and how it can be improved. It is one of our best investments because it is aimed at helping all students reach high academic standards and because it offers States, school districts, and schools maximum flexibility in the use of Federal funds to reach this objective.

Goals 2000 also has a tremendous impact because it helps Governors and educators develop the strategic map or planning guide for most effective use of all other resources, Federal, State, and local.

On the contrary, under this other section, where the money is being put, those young people are not helped by the moneys being put there. This money is more designed to carry out the administration of keeping them in these institutions as inmates.

Standards-based reform, which is the purpose of Goals 2000, is working all across the country. Strong schools now, with clear standards of achievement and discipline, are essential to our children and our society. These standards are needed to help instill the skills and encouragement for hard work that our children need to succeed in school and in life. Toward that end we must now establish meaningful standards for what students should be expected to learn and to achieve.

The American public supports high standards in education. Parents deserve to know how their children are performing, based on rigorous standards. And with the help of Goals 2000, States are establishing academic standards and coordinating their curriculum frameworks, student assessment programs, teacher preparation, licensure requirements, parental and community involvement and other aspects of the educational system to help all children achieve the State standard.

So it does not help the young people that the maker of the motion intends to help by taking money out of this type of a program to put it over in a program where these children are the victims then of not having the proper amount of money in those programs and have become delinquent, and as a result of their delinquency become incarcerated in these State institutions and correctional institutions.

So I would hope that the House would reject the gentleman's amendment, because no matter how wellintentioned, it will not achieve what the gentleman desires to achieve. I think I can say this clearly as one who has fought hard for at-risk youth to try to see that they never have to see what the inside of a State-run institution or what an adult correctional institution is like by having money put in the programs that are designed such as Goals 2000.

□ 1230

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, rather than ask for an extension of time with the chairman of the subcommittee, I wanted to make a couple of points and then ask a question.

I understood him to say that he felt that the problem of juvenile delinquency was less than the need for the funds for Goals 2000. I want to get that clarified. But that in this amendment as we move to look at the question of national standards, the last speaker said it was not mandatory but that we needed national standards and people were looking for standards. I do not disagree that there needs to be stronger standards in the local schools and at the State level, but we have a fundamental disagreement over whether people are looking to Washington to set standards on anything. We do not have a particularly great record of putting standards on ourselves in this House or in the White House or in the executive agencies on a lot of different things. I do not think parents want to trust us with setting the standards out of here with all the dealmaking that occurs and with all the ability of different lobbying groups to influence it disproportionately here in Washington. I do not think they want the standards coming out of Washington, the involuntary pushing toward this.

On the other side, in the discussion that the gentleman from Illinois [Mr. PORTER] had with the gentleman from Colorado, Mr. BOB SCHAFFER, the question was, was this money going to the local schools. My understanding is that in Goals 2000, if they agree to cooperate and follow with certain things, some of the money goes there. But in the juvenile delinquency programs, it goes to the States which then move it down to the local level.

Mr. PORTER. If the gentleman from Pennsylvania will yield, let me correct that, because I think the gentleman from Colorado's and the gentleman from Indiana's amendment does not do what they want it to do.

The program that the gentleman mentioned, that is, the program to which the $40 million would be transferred, is a program that is apportioned to the States. I will read to the gentleman if he wants from the budget justification submitted this year, but let me summarize the first part:

> Funds are allocated to the States through a formula based on the number of children in State-operated institutions. . . . Like other title I programs, this program requires institutions to gear their services to the high State standards that all children are expected to meet. All juvenile facilities may operate institutionwide education programs and use title I funds in combination with other available Federal and State funds.

This is a program for State institutions, not for local school districts, and it is not a grant program.

Mr. SOUDER. It says institutions in the States. It does not necessarily say State institutions.

Mr. PORTER. It says State institutions serving children, ''State institutions serving children with an average length of stay of at least 30 days.''

Mr. SOUDER. Whether or not, and we can discuss whether State institutions move it to the local level. Let us assume for purposes of debate that we are moving it to the States for neglected children. We attempted in earlier amendments in title I to move money to vocational education for prevention as the gentleman from Ohio [Mr. STOKES] was referring to, we attempted to move money to IDEA, we will have additional amendments here to try to move it to education programs for high-risk students. This particular amendment is focused on the goals and then moving it to kids. It is hard to say that once somebody is in a juvenile institution that forever they are gone. The purpose of this program and as we reworked the Juvenile Justice Act in the authorizing subcommittee, we tried to look not only at prevention which is important but how we take those kids who are in the system and try to rehabilitate them and work with them while they are in the system. I believe that that ought to be done predominantly at the State level, which these funds do. This moves those funds to the State level. Presumably those State funds and those institutions are at the local community, but let us say that it goes to the State level. I believe that that is much more effective than arbitrary standards set out of Washington in education. That is what this amendment by the gentleman from Colorado, Mr. BOB SCHAFFER, does.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Let me read from this. I was reading the wrong section. I apologize for that.

> This program provides financial assistance to State educational agencies for education services to neglected and delinquent children and youth under age 21 in State-run institutions for juveniles and in adult correctional institutions.

This money will not go to school districts under any circumstances.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Pennsylvania [Mr. PETERSON] has expired.

(By unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. SOUDER. I was not maintaining it went to local educational institutions. It went to try to educate people at the local level who are in institutions for juveniles. What I am arguing is that we cannot just say everybody in school is the problem. We also have to try to do literacy courses, vocational education training, and stuff for people who are lost but are coming back out. Juveniles in the system with the exception of those who may have committed a life sentence crime are not going to be there forever. This money moves money for education for those who are in juvenile institutions or adult institutions for training. I believe that is a better use of funds. The gentleman from Colorado, Mr. BOB SCHAFFER, proposed this amendment because he believes it is a better use of funds than some sort of Federal standards coming out of Washington that drive our school districts and often override what local school boards or the State institutions in education would favor.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to say that I am shocked, shocked to hear that all this time we thought that many Members on that side of the table were anti-education when they tried to do away with the Department of Education, never stood up for preventative actions for the criminal justice system before, for juveniles or for anyone else. All of a sudden they have this heartfelt concern for many, many programs that have been fought on that side of the aisle, particularly by that element of the group repeatedly.

I am on the Committee on Education and the Workforce, Mr. Chairman. Believe me, I did not hear any cry for vocational education, asking for more funding at the committee level. In fact, they wanted to zero it out at the committee level. But here we are with an opportunity for them to attack a program that they do not like, and all of a sudden they want vocational education.

If you were sitting in the Committee on the Judiciary, you probably would not hear much from them about preventative programs for juveniles, but here we are with an ability for them to attack a program they do not like and all of a sudden they have a newfound fervor for that.

I suggest, Mr. Chairman, if we had sat around for their planning session, what we would have heard is this is an area of Goals 2000 we are going to attack and do it by making some sort of a problem for people by pitting that money against cuts or increases in another area that people feel very strongly about also. They want to be less than disingenuous. If they wanted to be actual and straightforward about it, they would just move to cut the budget.

POINT OF ORDER

Mr. SOUDER. Point of order, Mr. Chairman.

The CHAIRMAN pro tempore. Will the gentleman from Massachusetts suspend?

The gentleman will state his point of order.

Mr. SOUDER. Is it in violation of House rules to malign the motives and try to prescribe motives to people when they have no idea what those motives were?

The CHAIRMAN pro tempore. Is the gentleman from Indiana making a point of order?

Mr. SOUDER. My point of order is I believe it is a violation of House rules to malign the integrity of other Members and their reasons for offering amendments.

The CHAIRMAN pro tempore. Is the gentleman demanding that the gentleman's words be taken down?

Mr. SOUDER. Mr. Chairman, I will take back my point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The gentleman from Massachusetts may proceed.

Mr. TIERNEY. Mr. Chairman, I proceed because I think it is important for the people to know that if it is Goals 2000 about which they want to have the debate, let us have it straightforward on that particular program. This is a program that President Bush put forward with the cooperation of Governors across this Nation, including a then Governor who is now President of the United States. It is a program that virtually every major business group supported, every major educational group supported, people by and large in this country supported because it was not national standards, it was an opportunity to combine Federal resources with local and State resources to establish standards to raise the bar for students across this country, to give them goals to achieve.

That is what we ought to be doing. Then we have to assess where they are. But we need teacher development. Goals 2000 provides the tools to do that. We need to have assessment, and the local communities can do that with the help they get from Goals 2000. We need to have parental involvement, and some communities have taken Goals 2000 grants and done just that, increased parental involvement. These are the programs that we put forward repeatedly, programs that help the public schools in this country improve the ability of the children to learn and give them a chance in this life.

If you do not like Goals 2000, take a straight vote on whether or not to cut that program. But do not try to be disingenuous, do not try and pit one program against another when you have lost the initial debate on policy. Come straight to the people of this country, have the debate, have the vote and then let the House get on with its business.

I commend the chairman and I commend the ranking member for the hard work that they have done in reaching a compromise on a bill that helps to educate children in this country in what has been by and large historically a nonpartisan venture, the education in the public schools of the children of this country. I ask that we return to that agenda and stop what is going on here.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado Mr. BOB SCHAFFER.

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

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Colorado Mr. BOB SCHAFFER will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. ROEMER:

Page 64, line 7, after the first dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 66, line 20, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Mr. ROEMER. Mr. Chairman, I offer this amendment in the spirit of bipartisanship with the gentleman from California [Mr. RIGGS] and in the spirit of strong support for our education system and this bipartisan bill that has been put together.

I want to start by commending the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for their hard work in funding particularly a number of programs in education that are important to me. Title I, Head Start and Pell grants are not only fully funded, but we see increases in those very vital programs. I want to thank the gentleman from Illinois [Mr. PORTER] and thank the gentleman from Wisconsin [Mr. OBEY] for their strong work in those areas.

This bipartisan amendment that I offer today is an amendment that would support an innovative, bold, imaginative new idea for public school choice, and that is charter schools.

Where do we get the $25 million to support charter schools, to take it up from $75 million in this bill to the President of the United States' request of $100 million? We take the $25 million out for charter schools from a program called the technology literacy challenge grant. That is a program that I strongly support. The President asked in that program for $425 million. The Committee on Appropriations gave it $460 million, a 130-percent increase. While I strongly support that technology literacy program, our $25 million taken from that program to put in charter schools will still result in a 112-

percent increase in the technology literacy program, $10 million above the President's request, and fully fund the charter program that the President has strongly supported.

Why should we be supporting charter schools in this Nation? They are cradles of innovation, they empower teachers and students and parents, they are schools created by teachers, schools and our parents. They are accountable. If a charter school is not working, a charter school can be shut down. They strengthen the public school system. We are not trying to take money away from public schools. We are trying to find bold, new, imaginative programs that give accountability and give access and give local control, and that is a charter school.

These programs, I think, Mr. Chairman, are working. Three years ago, there were two or three charter schools in America. Now there are over 700.

□ 1245

Puerto Rico, District of Columbia, and 30 States have charter schools. They are independent public schools. They are open to all students, they are supported by our tax dollars, they are accountable to citizens, to taxpayers, to parents and to students and to teachers, and they are community-based.

One charter school that I visited here in Washington, DC, is called the Options Charter School. The Options Charter School here in Washington, DC, is not for the elite, it is not for the wealthy, it is 100-percent minority. All the students are eligible for free and reduced lunches, and most of those students have dropped out of the D.C. school system.

So this charter school is not trying to help the elite and the wealthy; it is, in fact, trying to help some of the most disadvantaged students that the D.C. school system is failing.

So let us debunk the myths of charter schools that they are vouchers. No, they strengthen the public school system. Let us debunk the myth that they are for the elite. No, they often serve needy and disabled students. And these are completely accountable because State legislatures have to pass charter school laws.

So I would hope that my colleagues would support a bold and new idea. I would hope my colleagues in the spirit of bipartisanship and the spirit of support for education would bring charter schools up to the President's request of $100 million, and I would hope that they understand that the money coming out of the Technology Literacy Challenge Grant Program still results, let me remind my colleagues, still results in a 112-percent increase for that Technology Literacy Challenge Grant Program.

Vote for innovation, vote for bipartisanship, vote for charter schools.

Mr. OBEY. Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment.

Mr. Chairman, let me explain why. First of all, I think when we are trying to keep an agreement together between the parties, it is important to oppose amendments from both sides of the aisle, not just that side.

Second, I, frankly, do not know quite what I think of the pace at which charter schools ought to be encouraged. I like the idea of charter schools, because I think that they offer an opportunity to escape the bureaucratic box which a lot of local schools have been caught in.

But I am also concerned about the very uneven result we have seen so far with the charter school movement. I think if it is to be developed in the future, it sort of reminds me when we used to be involved, we had a competition between parties, frankly, to show who is most against cancer back 20 years ago. You would have amendment after amendment throwing money very fast into the Cancer Institute. But we did not also add money to the grant overseers in the department to see that the money was not wasted, and a lot of it wound up being wasted and some people went to jail.

I think you can kill a good thing by sometimes increasing its budget too fast, and that is why I am concerned about increasing the funding for charter schools until we have better results.

Third, while that alone would not cause me to oppose the amendment, because I think in the end charter schools will get their problems worked out, I very much am concerned about the source from which the gentleman takes the money, the technology account.

I have had a good many experiences in my district in helping schools on projects in wiring those schools so they can connect with the information highway, in trying to see to it that rural schools, and I do not represent a single city larger than 37,000, I am concerned with seeing that rural schools are not passed by on either the school reform movement or by the technology revolution that is taking place in this country.

It seems to me that this technology account is a key tool in enabling schools with very limited local resources to be able to stay abreast of the breathtaking changes that are occurring in technology and communications around the country.

So that is why I very reluctantly would have to oppose the gentleman's amendment. Perhaps we can reach a different understanding in conference, because the President, I know, is an enthusiast for charter schools, and I am willing to listen to that. But for the moment, again, we have reached an understanding about how these resources ought to be divided.

There is no question that on the merits many accounts in this bill are underfunded. I think this entire bill is underfunded to the tune of at least $4 to $5 billion. I think we should be putting more resources into education, into student aid, into medical research. But until that happens, we have to, unfortunately, make these very hard choices.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, first of all, I want to commend the gentleman and Mr. PORTER once again for making some of the tough choices for increasing funding for Head Start, a fantastic program, increasing funding for Pell grants, increasing funding for title I. You have done a great job. I salute the gentleman for that.

I also would agree with the gentleman that the gentleman and I would probably want to take money out of B–2 and space station and put it into education. We do not have that luxury in this bill.

The gentleman's first concern about too much money going into charter schools too quickly, again, I am a supporter of the Technology Literacy Challenge Grant Program. But we have funded that at an 130 percent increase. And even if we are successful in transferring $25 million, it will still be $10 million above the President's request. Whereas, if we take the $25 million and get it into charter schools, we just meet the President's request there.

If this amendment is successful, we have met the President's educational request for charter schools, and we are still $10 million above his request on the Technology Literacy Challenge Grant Program.

Mr. OBEY. Mr. Chairman, reclaiming my time, I recognize that. All I would say is there is a reason why technology funding is exploding, and that is because technology itself is exploding, and no school wants to be left behind. This is a crucial time for all of them.

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to be heard on this amendment, and I am very pleased to join with my good friend and colleague on the Subcommittee on Education and the Workforce, the gentleman from Indiana [Mr. ROEMER] in offering and sponsoring this amendment.

Mr. Chairman, 14 years ago the late Terrence Bell, who served as Education Secretary in the Reagan administration, headed up a group that was charged with studying the conditions of American schools. They issued a breakthrough report, a remarkable report, a report that I think to this day is considered somewhat of the definitive study on American education. It was called A Nation at Risk.

Now, 14 years later, 1997, another group that Mr. Bell was involved with until he passed away did a followup study called Reclaiming a Nation at Risk, and they found that the No. 1 and most important aspect of educational reform is decentralized decisionmaking and site-based management, and that is what charter schools are all about.

They are a remarkable experiment in a highly regulated, very bureaucratic profession, and that is not a slight on teaching, which I consider to be a missionary occupation, but they are a remarkable experiment in decentralization and deregulation.

The early results on charter schools are very, very promising. We have about 600 charter schools in the country today, out of 16,000 primary-secondary schools nationwide, and these charter schools are producing great results.

I personally went to a charter school in southern California called the Vaughn Learning Center, run by a longtime educational administrator, a school administrator, a true professional, an educational entrepreneur I call her, by the name of Dr. Evone Chan.

She started the Vaughn Learning Center in a gang-ridden, poverty-infested area, and has done tremendous things with that particular school. It used to be a neighborhood elementary school. Now it is a charter school.

The kids who lived in that neighborhood who were going to other schools around the city of Los Angeles are back at that charter school, and she has a long waiting list of kids whose families want to send them to the Vaughn Learning Center.

Dr. Chan is very excited about charter schools. She is a tremendous enthusiast for charter schools as being the cutting-edge of public school reform and a way of giving parents more choice in public education.

She told us when we were in Los Angeles having our field hearing on the campus of the Vaughn Learning Center that charter schools were the answer to what she called the three B's, bussing, bureaucracy, and buts.

She explained many times throughout her career with the Los Angeles unified school system, she would have a great idea, she, if you will, would promote that idea up the chain of command, up the lines of authority, and get back an answer, ''basically that is a great idea, a great suggestion, Dr. Chan, but we can't do it or it won't work for the following reasons.''

So she says charter schools are the answers to problems, the bussing, bureaucracy, and buts, in education today, and she is joined by a wide number of people, people from across the political spectrum.

Now, the Hudson Institute has also looked at charter schools, Bruno Manno, a senior fellow with the Hudson Institute, visited 50 such schools in 10 States, and concluded, quoting from a Washington Post article, that charter schools may be ''the most vibrant force in American education today.''

The Department of Education is doing a study on charter schools and they have just finished the first phase of that study. We now know the key findings of that first phase study, the first year report on charter schools, are that educational vision and flexibility from bureaucratic laws and regulations are the two reasons most commonly cited for starting public charter schools.

Second, they have a racial composition, and this is important to hear, a racial composition similar to statewide averages, or have a higher proportion of minority students.

Third, the Department of Education tells us from their study that they enroll roughly the same proportion of low-income students on average as other public schools.

Last, most charter schools are small, with an average of 275 students, and that provides a tremendous learning environment.

That is why the Hudson Institute found in their report that charter schools are havens for children who have had bad educational experiences elsewhere, low-income children, at-risk children, minority children, and children with learning disabilities and behavioral problems. They and their parents reported they are doing better at their charter schools than at previous schools.

So I support the Roemer amendment and am very pleased to join with the gentleman in commending the amendment to our colleagues.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment. Charter schools can be created by parents, by teachers, by community leaders, by museums, by universities, anyone who is interested in pursuing excellence in education.

Charter schools aim to equip our children with the skills they need to compete in today's ever-expanding global marketplace. A good charter school holds the students to rigorous academic standards and makes excellence the norm.

We are experimenting with charter schools in my State of Connecticut, and these schools create an alternative form of public schooling. For example, in my district, the Odyssey Charter School in Manchester is a middle school that helps underachieving students in traditional subjects like math and English, but also goes on to have these students understand more about communication, newspapers, radio, and the Internet.

Another school that we are beginning is the Sports Science Academy in Hartford, CT. This school has 125 students focusing on careers related to sports industries.

□ 1300

These schools aim to lift restraints on public schools so that all the talent, all the creativity, all the excitement that faculties want so much to bring to a student body can be unleashed. Charter schools can pursue innovative teaching methods that will improve student performance. Designed to deregulate and decentralize education, the charter school concept is intended to empower parents, teachers, and community members with a flexibility to innovate.

At a time when we are so aware that our students have to grow up and have talent and learn new technological skills, we really have to actively pursue every avenue to make quality education, public education, available. I just think this makes good sense.

Mr. Chairman, my school district in Hartford has some serious, serious problems. All of us who claim to really care about public schools, all of us who really know that what made this country great was our public school system, we really have to think about supporting choice in public schools. If we are going to have choice in public schools, we are going to have to deliver the necessary financial support to charter schools in a way that we demonstrate our commitment.

I urge my colleagues to support this amendment, and thank the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] for bringing this forth. The time has come, and we all say that we are for this, that, or something else, but if we truly believe our public school systems are going to work, then we have to be innovative, and we have to share the cost of that innovation.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Roemer-Riggs amendment. I think it strikes right at the heart of one of the most exciting concepts in education in this country, no matter what part of government we are dealing with. And I have always liked pilot projects, where we test how things work before we nationalize them, or before we make them statewide, or before we bring them into the system.

Charter schools are making a difference in this country. Charter schools are one experiment of the many educational experiments that I think people all over this country are excited about. We should not allow the educational bureaucracy to just allow them to grow very slowly. When we look at the numbers, we heard today that 600 in this country out of 16,000 schools, that is about 3½ percent, are charter schools. That needs to grow.

I, too, am a very strong supporter of the technology literacy fund. But that received a 130 percent increase over last year. It will still have a 110 percent increase. I have heard the words here today several times that you can grow funding for a program too fast and not spend it wisely, and that might be the case here. It will not be underfunded, and it will bring the charter school funding up to what the President felt the needs were. This is one area where the President and I sincerely agree.

All the new research documents show that the reason charter schools are not moving forward faster is the lack of startup funds. That is the role we can play. Even the NEA, I am told, is talking of doing five charter schools. When

the establishment starts to get into the charter school business, it shows us that this is a concept that is making a difference.

In my district, I have a regional charter school proposed that I think is exciting. Small, rural school districts really are challenged to deal with troubled students, students that are truant, students that are in trouble with the law and cause a lot of problems in the school. When there is a certain amount of that, the whole school is disrupted, and the educational process.

We have a regional concept where they are going to hopefully get chartered soon to have, for a multicounty area, a place where troubled students, delinquent children in these small, rural school districts, that could not deal with them in a positive way, a place to offer them a kind of program that would help them, but done on a regional basis.

The grass-roots support continues to grow as people learn about charter schools. In Florida, where independent observers first predicted a relatively small amount of activity due to aspects of the State's enabling legislation, 40 schools were approved in the first two rounds. In North Carolina, more than 60 groups applied for charters in the first round of applications. In Pennsylvania, my State, 90 groups wanted to have a charter school before the law was even passed, and 67 are now receiving State support.

Mr. Chairman, this is an educational experiment that has proven it can make a difference in American schools, all different types of charter schools, and it is one we should force-feed. We should at least fund the President's recommended request of $100 million, which the Roemer-Riggs amendment does. I think it is one of the best amendments I have seen in the educational debate here.

I urge my colleagues to vote for innovation, to vote for change, to vote for the funding for charter schools that are making a difference, and will make a great difference in this country if we adequately fund them.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak on behalf of the Roemer-Riggs amendment, to join my colleagues from the Committee on Education and the Workforce. They seek to put an additional impetus behind this charter school movement. I think it is important.

I come as someone who fully supports free, public, quality education in our country, and I do not think there is anything inconsistent in that in the support of charter schools. They will be and have been, as they have been established throughout the country, public institutions focused on funding through experimentation, and a particular focus on some of the key answers to questions that still challenge the public education system.

In my school district in Philadelphia, the largest in the State of Pennsylvania, our board of education has just approved the application for a number of charters, many of which will be set up in my district, and I am very, very hopeful that not only will it benefit the students who will attend those charter schools, but that there will be lessons learned from them that will be applicable throughout the system.

We need to continue this. As this country goes forward to perfect our Union, nothing has been more important in the American experiment than a free, public, quality education for all of our citizens. So even as those who come to point at some of the difficult and remaining challenges and find some reason to complain about our circumstances in public education, I believe that there is still hope, and I think part of that hope is the charter school effort.

It includes in it still a commitment for a public process, public schooling, and one in which, at least for the charters in Pennsylvania, that the application and enrollment processes are ones in which we can see that there will be a fair opportunity for every young person who wants to participate and be part of those institutions.

I want to thank the gentleman from Indiana [Mr. ROEMER] and his cosponsor, and I would hope this House would favorably support and endorse this amendment. It is unfortunate that we have to move some money from another very worthy program. That is part of a larger debate about what our commitment in this Nation really ought to be in terms of education.

But I am hopeful, even as we take this step, that the technology and literacy program will still have, as has been mentioned by the gentleman from Pennsylvania [Mr. PETERSON], a colleague of mine, adequate resources and an appropriate increase as we go into the next fiscal year.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to reluctantly oppose this amendment. We have a choice here of two good spending programs in education. I think most Members on both sides of the aisle can support the programs, the charter school program and the technology program. As a member of the subcommittee, we have to make those tough choices, how do you allocate the money.

Charter schools is a new program. We increased it by 50 percent. During hearings this summer, for example, on June 3 we were advised by the chairman of the subcommittee that with respect to charter schools, he said, I am recommending that any funding increase you consider for the Federal charter schools be contingent on enactment of additional authorizing legislation.

There is concern about putting too much money too fast into the program. So we increased it about 50 percent, which is legitimate, and I have already had the pleasure of visiting two charter schools in my district. I am very, very impressed. They are brand new this year. One is the PAL Program. In fact, I spoke at the opening day ceremonies, along with our State superintendent of schools, Frank Brogan, that our sheriff, Charlie Wells, has used the Police Athletic League to start middle school programs for kids that need special help, not a disciplinary program, but kids that need special learning help, energy and techniques and such, that can help these 100 kids in middle school; a great program. It is really exciting. I was talking to the principal on the phone just yesterday about the benefits of the program.

Another program that I visited last week was Easter Seal, helping disabled kids, again a great idea. I think it is going to be very successful in helping that targeted group of kids that need that special down in Sarasota-Manatee area. I am a supporter of charter schools, and I think maybe Members on both sides of the aisle are.

The technology program is a program that we started to help bring computers in and help us into the 21st century for our schools. Our goal is to have $2 billion over the next 5 years to help schools get the latest technology, again something we all support. It is a program that we have a goal to reach in 2 years, is the reason this program is increasing, and should continue to increase over this 5-year effort to reach that amount of money.

So charter schools is a good program, and technology is a good program. We can support both of them, but we only have so much money to work with. How do we allocate the dollars? It was the choice of the committee to increase the charter schools by $25 million. It is not the end of the world if this amendment passes, it is just a matter of making those tough choices.

I think charter schools are an exciting new idea in education. I see it working in the State of Florida. But we have to be careful and let it grow and see how we in Washington can help support the local and State efforts, which of course, is where all control of the educational system should be placed.

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

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding. He is a very good friend, and I have certainly enjoyed serving with him on the committee.

Mr. Chairman, I just wanted to point out to my colleagues, we are talking about increasing funding for charter schools from $75 to $100 million, which would fully fund the President's budget request for charter schools. In the hearings we have already conducted in the subcommittee that I chair on primary-secondary education, Early Childhood, Youth and Families, we have heard that the single biggest obstacle to the opening or startup of

more schools is seed capital. That is what we are trying to provide here.

We think we have found a reasonable offset. While I respect the gentleman's views, we think we have found a reasonable offset in the Technology-Literacy Challenge Fund, because that program, that account, received a 130 percent increase in funding, as the gentleman from Indiana [Mr. ROEMER] pointed out, exceeding the President's request by $35 million.

Mr. MILLER of Florida. In conclusion, Mr. Chairman, when the gentleman from California [Mr. RIGGS] was speaking before the committee, on questioning, he was saying we needed to go slow as far as new authorization. Our reluctance was not to increase it too fast until the authorizing legislation caught up to what is happening in charter schools.

Charter schools is a good idea, but the technology program is something that I think we need to continue to push forward on and achieve that $2 billion goal. I rise in reluctant opposition.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Riggs-Roemer amendment. I rise in appreciation that these two Members on opposite sides of the aisle have adopted a bipartisan approach to perhaps the most important issue facing our country at this time.

At a time when, on education matters, we are fighting over tests and fighting over vouchers, two Members have anchored us where we all are. They deserve our support and they deserve our appreciation.

They have my particular support because the divisive fight over vouchers has caused unnecessary splits in people who really want the same thing. There is a constitutional issue raised there. There is the fight over diversion of public money. Here is the kind of compromise that can get everybody working together.

In the District last year, when there was a task force appointed by the Speaker to work on school issues for the District, and Representative Steve Gunderson, who has now left the Congress, found that there had been a referendum in the District against vouchers. He looked for an alternative that would accomplish the same thing, and worked with us to get a charter provision in the D.C. appropriation.

Now we see this issue coming alive all over the country. Those who support vouchers tell us existing schools need competition. They could not be more right. Public schools need competition, but I have to tell the Members, they have been getting competition from church schools and from private schools forever. There were those schools there before there were public schools, and they have done nothing to, in fact, improve public schools. The reason is, public schools need to see a public school doing better than they are doing. That is what a charter school is; it is a public school that is allowed to fly by its own light.

If they see children, just like the children in the public school, going to school on public money, using innovation, you then have real competition. We do not have it from the wonderful parochial schools in my district now. We do not have it from the private schools in my district now. But I can tell the Members, out of the side of their eye, our public schools look at charter schools that are doing better, getting better test scores, and getting better involvement of parents.

The private schools have been there all along. Charter schools are giving a big push to public schools. In my district, we cannot keep up with the number who want public schools.

□ 1315

One hundred million dollars will not begin to do it nationwide. Why should this money be put here? Because there is a market. The market out there in the country is saying: We want these schools, and we ought to respond to that market.

Mr. Chairman, if we want innovation, that is where the innovation is. Vouchers are stuck in the courts and are going to be stuck there for a long time, until the Supreme Court tells us there is a violation of church and State. Meanwhile, all energy, for example in the District of Columbia, is going into public schools, and well it might.

Mr. Chairman, I want to thank Members, and there are so many now, who are hosting D.C. students as interns in their offices. Many have stopped to tell me how helpful these students are. We want to keep the focus on these public schools; not only on their roofs, but what goes on in these schools.

The District has been chosen out for a possible attachment to its appropriation, imposing a voucher provision on the District, after the District has already said in a public referendum that the District does not want vouchers. This issue held up our appropriation 2 years ago and almost took an insolvent District all the way down.

Mr. Chairman, we know that a voucher provision will be filibustered in the Senate. What a waste of time and energy. Why cause this divisiveness among us on a question of overriding importance to us all, and that is education?

Nobody would filibuster a charter school provision. The overwhelming majority of the public want us to find a quick, nondivisive way to improve their schools tomorrow, not after the Supreme Court tells us whether or not money can be given to a parochial school or a private school. And, above all, imposing vouchers on a helpless jurisdiction that is not fully represented here, nor in the Senate, is a shameful way.

Mr. Chairman, if the majority thinks that they have a majority for vouchers on the District, then they have a majority for vouchers in this House. The majority should put their own bill forward, and not bully a smaller jurisdiction.

Mr. Chairman, I strongly support this amendment and urge its passage.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer-Riggs amendment, and I am very cognizant of the stated concerns of the appropriators. The gentleman from Florida [Mr. MILLER] spoke earlier, and the gentleman from Wisconsin [Mr. OBEY] spoke to this as well. I think they raise some legitimate points.

Mr. Chairman, I wish I could say that I was an expert on the Technology Literacy Challenge Fund. I know a little bit about it, I think, so it is a good program. I am not quite sure why it is getting the significant increase that it is getting here.

The charter schools is already getting an increase, and this would take it to an additional $100 million. But I am familiar with the charter schools in my own State. In Delaware, like in other States, we are beginning to innovate and do different things to present a different way of looking at our public schools.

Public school choice, for example, has become a very major issue in just about the last 2 or 3 years in my State, and I think it is a good issue. During the campaign last year, I was actually out at schools having an open house and I never saw such parental interest in a school. It was getting into a choice situation. We are beginning to see real changes.

Mr. Chairman, charter schools invite that. In Delaware, we have charter schools. They tend to be very varying in the kinds of things they are doing. There are not many of them at this point. We certainly need all the guidance, all the innovation, all the research we can get with respect to charter schools, but it is making teachers and administrators and parents and students sit up and say, gee, do I want my child to go to a school of arts? Do I want my child to go to a business or finance school? Do I want my child to do something perhaps different than what the child might be doing otherwise?

Mr. Chairman, the answer in many instances is ''Yes.'' It is breaking the mold. I agree with the gentlewoman from the District of Columbia [Ms. NORTON], because I think we need to do some of this at the public school level, not just at the private school level.

Again, Mr. Chairman, this is the kind of situation in which we have Federal money as an overlay to what is done at the State and local government level, but I believe that the Federal dollars in this have been well spent. My understanding is that the request of the White House was actually for the amount of money that we are taking

this up to, or something roughly equivalent to it. So I assume that the Department of Education is fully prepared to be able to handle and manage this increase, if we are able to make this change.

So while I have some reluctance to go out of the parameters as set forward by the appropriators, particularly on this very sensitive bill, I think in this instance we would be well-served to help this as the moderate step.

Some people are opposed to vouchers to private schools, and I have mixed feelings about that as well. I think for those who are very interested in vouchers, that this is another offshoot, in a sense, to that; a way of bringing innovation and change to our schools. Mr. Chairman, I would encourage their support for this as well.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Roemer-Riggs amendment, and I congratulate my colleagues on the Committee on Economic and Educational Opportunities for submitting this bipartisan amendment, and urge all Members to look closely at what we are considering here.

We need a more deliberative process and, really, we need a bill out of the Committee on Economic and Educational Opportunities, which deals with charter schools in an appropriate fashion. But, Mr. Chairman, in that process there are certain facts we start with. The one gentleman who spoke before said that there are 16,000 schools in the country and about 600 charter schools. The gentleman was not correct. There are 16,000 school districts, approximately, in the country. There are 86,000 schools, approximately, in the country, 86,000 public schools, and only 600 charter schools. According to a study recently released by the Office of Educational Research and Improvement, there are 600 charter schools and probably by the end of the year there may be 800 charter schools. So, Mr. Chairman, we might have at the end of this year 800 charter schools out of 86,000.

Mr. Chairman, charter schools are a reasonable experiment. Charter schools represent an approach that has been adopted by a number of different people on both sides of the aisle. Both parties have endorsed charter schools. The President has endorsed charter schools.

We have the National Educational Association and in my State the United Federation of Teachers. There are a number of groups that have endorsed the idea as being no danger to public schools. And, yet, we have only 600 at this point. The experiment will drop off the radar screen if we do not have more just in terms of trying to have an orderly, balanced approach to educational reform.

If we have a good idea, an idea that so many approve of, then why not have it increased to the point where we can study it? We cannot even really study it, it is so small now, the tiny number of charter schools.

Mr. Chairman, the push is coming from people who are very angry and upset, who will at all cost try to push to get a charter school established and people who want to experiment and get out from under the bureaucracy. But, basically, these people are in the fringes and we need to bring this in and have more groups consider starting charter schools.

Charter schools represent a change in the governance and management of public schools; the governance most of all. The governance is removed from boards of education and big bureaucracies and placed under small groups closer to the school. I do not want it always to be a small group. I do not think only 100- or 200-pupil schools should be charter schools. I think we should have some high schools and we should have some schools that look at the problem of students with discipline problems and really have a board of people from the private sector and education experts, as well as teachers and parents, and come together to try to solve some of these problems that the public schools find intractable. They always complain about disruptive students and where can we put them. Let us have some charter schools to try to attack that problem.

Already, in the area of the technology literacy, we have a substantial amount of money there. I do not like taking money away from that. I am very much a proponent of technology in the schools. We have this week the Congressional Black Caucus, and I have a whole 3-hour forum on technology in the schools bringing together the private sector with the public sector and trying to make it work for the inner-city sector as well as it works in other places.

But, Mr. Chairman, consider the fact that $2.2 billion a year is to be made available to help this process through the new ruling by the FCC. That is a result of congressional action. When we passed the Telecommunications Act of 1996, we mandated the FCC should develop a way to provide a universal fund for discounted or free service to schools and libraries, and they have done that. I can get a 90 percent discount in most of my district, where we have the poorest children, a 90 percent discount on telecommunication service.

That has given impetus to the development of more and more technology, even in the communities where we have a great deal of poverty. The private sector now is involved not only in my community and my city, but all over the country. So we have a great deal going for telecommunications and for technology. If we take $25 million from that, it will not slow that down at all.

But, Mr. Chairman, on the other hand, if we do not give charter schools more, they are going to fall off the radar screen. We need a critical mass in order to be able to study what we are doing. That is all we are asking. Give charter schools a chance. It is a good idea. And if it is a good idea, it deserves the support in an orderly way of the legislators and the people in policy-making positions. It should not be something that gets pushed from the bottom because the public demands it. We have to run to stay ahead of the public in this critical area. So charter schools should be supported with this transfer of funds.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are hearing another debate on the tough choices that we as Members of Congress have to make. We have had a number throughout this bill where there are two programs that some Members may support or not support, or in fact they may support both of them, then we have to make a priority funding. That is partly why the people elect us and pay us the salaries that we get to make those tough choices.

Mr. Chairman, I am not here to suggest that the gentleman from California [Mr. RIGGS] and the gentleman from Indiana [Mr. ROEMER] are part of any scheme to attack technology assistance, just because they favor funding in charter schools. They have made their case that they believe there is enough money in one category and they need to move it into another, and I think it is really unfortunate when people attack the motives of Members of Congress when they try to move money between accounts. We ought to stop that on the House floor.

Mr. Chairman, once we have decided that we are going to spend money in this bill, we have a right to stand up and advocate how we are going to do that.

I am also not suggesting in any way that the gentleman from California or the gentleman from Indiana are any part of a filibuster on this bill. They have a sincere belief that it is important to switch funds, because they believe this area has been underfunded.

Mr. Chairman, I agree with them. I am reluctant. I think the money ought to come out of Goals 2000, a program where we have not seen the success, where it is Federal meddling beyond the point where I think the Federal Government ought to meddle, rather than technology assistance, which I think is a much more defensible program.

But this whole debate is uncomfortable for many of us whose primary goal has been to move the money back to the parents and individuals to make the decisions on education where we believe constitutionally the Founding Fathers wanted it.

Mr. Chairman, that is what we tried to do through the tax cuts. By giving the $500 credit to parents to make that decision, they now have the choice to use it for health, they can use it for housing, they can use it for clothes or other expenses. But they can use it for

either higher education or private school education.

So, Mr. Chairman, we as part of this whole package, have given parents the flexibility who want to go to, in effect, private schools that would not be eligible under charter school funding or our current education bill.

Mr. Chairman, this addresses another concern, which is what about charter schools to increase competition with public schools? I want to say up front that first off, like I say, I am uncomfortable about moving it from technology assistance, which I believe is a far more deserving program than Goals 2000. At the same time, charter schools are an innovative way to put pressure on the public schools for reform.

In the public schools, however, we cannot abandon those who have been left behind in the public schools, particularly in districts where they do not have the tax support, or handicapped students, which is why we have not been striking at programs that address those areas where schools need the supplemental assistance most in our different amendments and why we have been looking at things like Goals 2000.

Charter schools, however, have been innovative in trying to reach out. Hudson Institute, based in my home State of Indiana, found that 19 percent of the 8,400 students in charter schools they have surveyed had disabilities or impediments affecting their education, indicating that charter schools in fact serve proportionally more disabled students than traditional public schools.

In the Center for Education Reform, the San Diego Chamber of Commerce found that the overall California charter schools enrolled 53 percent minority students. So we are seeing, even in the charter school area, an effort to try to address the highest risk areas where those parents have been left behind. Where higher income people can often go into an alternative school thing, and by Congress giving the tax credit to them we have increased that flexibility, now we need to give more choices to those who may not have that income.

Mr. Chairman, if this amendment passes, I am willing to withdraw my amendment which was to follow, which is to move funds from Goals 2000 to charter schools, because I think it is important that we get the funding in the charter schools. I am disappointed that it would be coming out of technology assistance and computer assistance that I think is far more important than Goals 2000, but I am willing to consider withdrawing my amendment if this amendment looks like it is going to pass.

□ 1330

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

Mr. SOUDER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I have to say to the gentleman and to the gentleman from California [Mr. RIGGS] that I am a great fan of charter schools and think they are very, very important.

The only reason that the subcommittee provided less than the President's request was because the gentleman from California, who was a member of our subcommittee and is now the chairman of the relevant authorizing subcommittee, suggested we ought to do so until some changes could be made in the authorizing law.

Now that he is offering the amendment, I guess he is satisfied with the authorizing law. I certainly think that this is the place where the money ought to be, and I would accept the gentleman's amendment and the gentleman from Indiana's amendment at this point.

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

Mr. SOUDER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the gentleman from Illinois and the gentleman from Wisconsin that we are delighted with the offer to accept the $25 million increase in the charter schools. We look forward to working with the gentleman not only in conference but in the years ahead to monitor the charter school program but to also see that it continues to get increases as it performs like the States and the parents and the students want it to perform. So we accept the gentleman's offer.

I think there are two or three more speakers that would just like to speak very briefly in support of the program.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DAVIS of Florida asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Florida. Mr. Chairman, there is no issue that we need to debate on the floor of this House that is more important than improving our schools and understanding our fundamental obligations to stimulate positive reform in our communities and our neighborhoods and in our schools, particularly those reforms that best empower principals and teachers and parents and ultimately students.

As we have talked about this morning, charter schools is an excellent example of that. Thirty States have adopted charter school legislation authorizing the creation of charter schools, including my home State, Florida. In Florida, the law that I helped write struck the balance between assuring a quality education and the protection and safety and well-being of our students while encouraging innovation.

There are five charter schools that have been created so far under that law in the State of Florida, and there are 31 others that are scheduled to open right now.

I think it is significant to point out that of the five schools that have opened, the class size is a lot smaller than the class size we see around the State in our public schools, averaging about 17 students per class. The students come from very diverse backgrounds. More than half of them have special education needs. What charter schools prove is that there is no greater advocate for our kids at risk than the parents and the teachers that know them, that see them on a daily basis, and principals. These are the people that are creating charter schools. These are the people we are empowering by the adoption of the Riggs-Roemer amendment.

I would like to further add that in an informal survey the parents of the children that are attending the charter schools so far in Florida have said that far more than half of them are doing much better in the charter school setting than they were doing in the traditional school setting. We have had a great start with charter schools, not just in Florida but around the country. I think the House has taken a positive step today by the agreement which I am certain we will follow through on conference to stimulate more positive reform at home with charter schools.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to salute the leadership of the gentleman from California [Mr. RIGGS] and certainly my dear friend, the gentleman from Indiana [Mr. ROEMER], and those on the Committee on Appropriations for having the vision and certainly the innovative spirit to recognize the importance and the invaluable work that charter schools are, the invaluable impact, really, that charter schools are having in communities around this Nation.

I certainly thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the leadership on the other side for readily accepting this amendment. But I would say to all of my colleagues, particularly those on the other side of the aisle, that the exuberance and certainly the feeling of victory and triumph that saturates both sides right now, I would hope that we would also pay some close attention to some of the other challenges that many of the school districts in this Nation are facing.

I speak from the Ninth District in Tennessee, Mr. Chairman, where many of our students even today are being let out at noon because they have no air conditioning in their schools. At 7 a.m., classrooms where they are trying to teach algebra and basic English and basic science, the temperature is stifling, 96, 97, and 98 degrees. These are our future leaders, our future public policy leaders, our future pastors, our future policemen and firemen. We owe them what we give really to other issues in our budget, whether it is the B–2 or other expensive items that all of us deem necessary.

I would hope that we would recognize that as we talk about moving this

country into a new millennium, as we talk about taking this Nation from what has been to what can be, that we will invest in those areas which will allow our institutions and our systems to educate our future leaders.

Again, I salute the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS] for their leadership, and the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to hear that this amendment will be accepted. It should be. This is one of the most exciting things that is happening in the area of educational reform. I particularly want to give credit to my friend and colleague, the gentleman from Indiana [Mr. ROEMER], for being in the vanguard of this effort legislatively.

I am the ranking subcommittee Democrat on the Committee on Appropriations Subcommittee on the District of Columbia. One of the most frustrating things that we have to deal with is the District of Columbia public school system. It may be the worst of any urban area in the country. Even those intimately involved in it will recognize that. But the most exciting thing that is happening within that school system is what is happening in the area of charter schools.

We, in the suburbs, have about 50,000 unfilled jobs. There are at least that many people within the District of Columbia who could be filling those jobs who are not employed. Yet, we cannot make that match.

One of the ways that we are going to attempt to match those jobs with those people who are willing to work and have the basic skills is through the charter school movement, by putting in vocational education, vocational training, bringing in businesses, making the education relevant to the jobs that are available for the graduates.

We had more than 40 good applications for charter schools for the District of Columbia. We cannot possibly fund that many. We will be lucky if we can fund half of the well-qualified ones. This amendment is going to give us more resources so that we can fund more of those excellent efforts at finding ways to get around the institutional orthodoxies, all the institutional structures that mitigate against reform and enabling us to do the right thing for the young people of the District of Columbia.

The District of Columbia is just a microcosm. This is happening all over the country. Every once in a while institutions need to be reformed. We need to bring good innovative ideas in. Think about them for a while, throw them around, see what the effects would be of implementing them, and then, in the case of this idea, we can now implement it, we can now change the lives of thousands of students around the country and, in many ways, change that whole institutional structure of our public school system so that we are not bound by all those limitations toward excellence in both students, teachers, and administrators.

It is an excellent idea. It is an excellent program. It is an excellent thing that the chairman is doing in accepting this amendment to give us more resources to devote to see to it that these good ideas are actually put into practice where they are needed around the country.

I thank the chairman.

Mr. DAVIS of Florida. Mr. Chairman, we will not take up an issue on the floor of this House more important than the one we are debating today—improving the education of our children. I am asking my colleagues to join me today in investing in one of the most promising reforms happening in our country: charter schools. Charter schools are often created by parents, teachers, and communities advocating for the students they care about. These schools often serve as an alternative for at-risk, or special needs children who, for whatever reason, do not perform their best in the traditional public school setting.

We need to have the courage to join these parents and keep these exciting reforms alive. Thirty states, including my home State of Florida, have already passed legislation permitting the establishment of charter schools.

In the Florida law, which I helped write, we struck the balance of protecting students and assuring a sufficient level of quality while allowing innovative teaching. Charter schools have been blossoming all over the State. Thirty-one new charter schools are starting this year in Florida joining the 5 that opened last year.

From Escambia County in Florida's Panhandle to Liberty City in Miami, parents all over Florida are finding out the benefits of charter schools.

Barbara Bowland says Escambia Charter School saved her son from failure. William Allen Reed was in danger of being expelled from high school. After 5 months in charter school, Bowland says Reed was making straight A's and has a brighter future ahead of him.

In my hometown of Tampa, Oscar Wilson decided to put his two children in Eastside Multicultural Community School because the school will give Andrea and Dustin a broader education from different historical perspectives.

Another school opening in Tampa will be started by Metropolitan Ministries which is expected to enroll about 60 kids from kindergarten through the sixth grade. This school will serve children of families living at the nonprofit organization's homeless shelter.

These are just a few of the charter schools giving our children new educational opportunities.

We're learning more and more about this reform movement every day and the benefits students are experiencing. In the five schools that opened last year, the average class size was smaller than most public schools—17 students in each class. That alone thrilled the parents who enrolled their children in charter schools. The schools also attracted students from diverse backgrounds and more than half had special needs.

An informal survey of parents showed that nearly half the students at these schools who were doing poorly in traditional public schools are now performing at above average levels. I believe one of the main reasons for the success is that these schools are unshackled from the rigid rules and maxims that govern our public school system. Instead, teachers are encouraged to use innovative and creative educational programs to reach these children.

Even though charter schools are one of the fastest growing and most promising education reform efforts in the country today, the current level of funding doesn't even come close to matching the growth. Currently more than 400 charter schools are open across the country, up from only 250 last year. The Riggs-Roemer amendment increases the funding for charter schools from $75 to $100 million for fiscal year 1998. The increase will come from a program slated for a 130-percent increase—$35 million more than President Clinton asked for.

I urge my colleagues to review the facts here. Smaller class sizes, innovative teaching techniques, success from students who never before performed well in school. Do not turn your backs on this opportunity to improve our children's education. Join me in supporting the Riggs-Roemer amendment.

I commend my friends, Mr. ROEMER and Mr. RIGGS for their commitment to our children's future by offering this amendment. This funding will ensure the quality and success of charter schools.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken, if ordered, on the pending question.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 383]

Abercrombie	Allen	Armey
Ackerman	Andrews	Bachus
Aderholt	Archer	Baesler

Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

□ 1400

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Four hundred and eleven Members have answered to their name, a quorum is present, and the Committee will resume its business.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, in light of the fact that so many Members of this body have members of their family in town for what had been scheduled to be the White House picnic this evening, and even given the fact that the White House has had to cancel the picnic because of the weather circumstances, we believe that we ought to show deference and consideration to those Members who have their families in town, and for that reason, there will be no recorded votes this evening after 6 p.m.

Mr. Chairman, there are two additional points. We would encourage the floor managers of the bill and Members with amendments, if they are able to work out arrangements, to continue work beyond that time to make further progress on the bill in such a way that we might even roll votes until tomorrow morning, to do so if they so desire. But the Members at large should understand that they would not be called back for a vote after 6 p.m.

At the same time, Mr. Chairman, the Speaker has asked that I announce on behalf of the Speaker, myself and the gentleman from Missouri [Mr. GEPHARDT], the minority leader, that from 6 p.m. to 7:30 p.m. this evening, there will be a reception/open house held in the Speaker's office and on the Speaker's balcony available to all Members and their guests, hosted by the Speaker, the minority leader and myself. In the spirit of Hershey, we thought this might be an opportunity for Members and their families to have some time together.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. MILLER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 40, noes 369, not voting 24, as follows:

[Roll No. 384]

AYES—40

Allen
Andrews
Bonior
Brown (CA)
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Farr
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Hoyer
Johnson, E.B.
Lewis (GA)
McDermott
McNulty
Meehan
Miller (CA)
Mink
Olver
Owens
Pallone
Pastor
Pelosi
Rodriguez
Slaughter
Spratt
Stupak
Vento
Waxman
Woolsey

NOES—369

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)

Jefferson	Moakley	Scott
Jenkins	Mollohan	Sensenbrenner
John	Moran (KS)	Serrano
Johnson (CT)	Morella	Sessions
Johnson (WI)	Murtha	Shadegg
Johnson, Sam	Myrick	Shaw
Jones	Nadler	Shays
Kanjorski	Neal	Sherman
Kaptur	Nethercutt	Shimkus
Kasich	Neumann	Shuster
Kelly	Ney	Sisisky
Kennedy (MA)	Northup	Skaggs
Kennelly	Norwood	Skeen
Kildee	Nussle	Skelton
Kilpatrick	Oberstar	Smith (MI)
Kim	Obey	Smith (NJ)
Kind (WI)	Ortiz	Smith (OR)
King (NY)	Packard	Smith (TX)
Kingston	Pappas	Smith, Adam
Kleczka	Parker	Smith, Linda
Klink	Pascrell	Snowbarger
Klug	Paul	Snyder
Knollenberg	Paxon	Solomon
Kolbe	Payne	Souder
Kucinich	Pease	Spence
LaFalce	Peterson (MN)	Stabenow
LaHood	Peterson (PA)	Stark
Lampson	Petri	Stearns
Lantos	Pickering	Stokes
Largent	Pickett	Strickland
Latham	Pitts	Stump
LaTourette	Pombo	Sununu
Lazio	Pomeroy	Talent
Leach	Porter	Tanner
Levin	Portman	Tauzin
Lewis (CA)	Poshard	Taylor (MS)
Lewis (KY)	Price (NC)	Taylor (NC)
Linder	Pryce (OH)	Thomas
Lipinski	Quinn	Thompson
Livingston	Rahall	Thornberry
LoBiondo	Ramstad	Thune
Lofgren	Rangel	Thurman
Lowey	Redmond	Tiahrt
Lucas	Regula	Tierney
Luther	Reyes	Towns
Maloney (CT)	Riggs	Traficant
Maloney (NY)	Riley	Turner
Manton	Rivers	Upton
Manzullo	Roemer	Velazquez
Markey	Rogan	Visclosky
Martinez	Rogers	Walsh
Mascara	Rohrabacher	Wamp
McCarthy (MO)	Ros-Lehtinen	Waters
McCarthy (NY)	Rothman	Watkins
McCollum	Roukema	Watt (NC)
McCrery	Roybal-Allard	Watts (OK)
McDade	Royce	Weldon (FL)
McGovern	Rush	Weldon (PA)
McHale	Ryun	Weller
McHugh	Sabo	Wexler
McInnis	Salmon	Weygand
McIntosh	Sanchez	White
McIntyre	Sanders	Whitfield
McKeon	Sandlin	Wicker
Meek	Sanford	Wise
Menendez	Sawyer	Wolf
Metcalf	Saxton	Wynn
Mica	Scarborough	Yates
Millender-McDonald	Schaefer, Dan	Young (AK)
Miller (FL)	Schaffer, Bob	Young (FL)
	Schumer	

NOT VOTING—24

Baker	Dooley	Minge
Bateman	English	Moran (VA)
Becerra	Fazio	Oxley
Berry	Gonzalez	Radanovich
Carson	Gutierrez	Schiff
Davis (FL)	Kennedy (RI)	Stenholm
Davis (VA)	Matsui	Tauscher
Dellums	McKinney	Torres

□ 1429

So the motion was rejected.

The result of the vote was announced as above recorded

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage with the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations regarding a public awareness program to increase organ donation.

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

Mr. MOAKLEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would be pleased to engage in a discussion with the gentleman from Massachusetts.

Mr. MOAKLEY. Before I begin, Mr. Chairman, I really would like to compliment the chairman and his committee for bringing to the floor a very, very good bill. The chairman has provided important increases for the National Institutes of Health and other very important programs that will yield important benefits for the health of the Nation. I well understand the benefits of research on hepatitis and liver disease, as well as other areas.

I want to thank the chairman for the NIH increases provided, and the important report language the committee has included in its report providing policy guidance to the NIH on these subjects.

As the chairman well knows, with regard to end-stage liver disease, there is often no other medical option available except transplantation. As of September 3, 1997, just last Wednesday, there were 56,611 people on the United Network for Organ Sharing waiting list. Last year, only 19,000 transplants were performed.

Approximately 3,000 people die each year waiting for an organ. Last year, for example, approximately 800 people died waiting for a liver. The administration recognized the problem of shortages, and requested a $1.6 million increase for organ donor awareness programs. Regrettably, Mr. Chairman, the House has not been able to provide increased funding for this initiative. Therefore, I would hope that the chairman would look favorably on this item in conference.

Mr. PORTER. If the gentleman will continue to yield, Mr. Chairman, I want to thank the gentleman from Massachusetts for bringing this very important matter to my attention. I want to assure him that I do recognize the importance of expanding the supply of organs, and I want to assure him further that I will look favorably on this item in the conference.

Mr. MOAKLEY. Mr. Chairman, I want to thank the chairman for his outstanding work in this committee and what he has done. I also thank him very much for his response.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his very generous and kind words.

AMENDMENT OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM:

Page 64, line 7, after the first dollar amount, insert the following: ''(reduced by $55,000,000)''.

Page 64, line 7, after the second dollar amount, insert the following: ''(reduced by $55,000,000)''.

Page 68, line 17, after the first dollar amount, insert the following: ''(increased by $55,000,000)''.

Page 68, line 17, after the second dollar amount, insert the following: ''(increased by $55,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes on his amendment.

Mr. GRAHAM. Mr. Chairman, this amendment would shift $55 million from the Goals 2000 Program to the IDEA Program. I think a lot has been said about both programs.

I understand that there has been a lot of work going on behind the scenes to try to bring several issues to resolution. I would like for someone, maybe the gentleman from Wisconsin [Mr. OBEY], to detail what the agreement is, or the gentleman from Illinois [Mr. PORTER]. But until we get to that point, let me make a couple of observations about how I feel as an individual Congressman, and I think that feeling is shared by many in this body.

A little bit of history about Goals 2000: It started in the Bush administration with an effort to try to set standards to make us competitive with the Japanese and Germans and other international competitors by having national goals to achieve in education. Unfortunately, every good idea that starts in Washington winds up somewhere a little different than you wanted it to be.

We found that when we try to implement national standards, no matter how noble they are, that the people who implement them have a different view of how the world should work.

I would just make this observation, the Department of Education is in the hands of folks I consider more liberal, more on the liberal side of the House. One day that will probably change, as politics is subject to change. My basic objection is, I do not think we need close to $400 million to $500 million in the hands of bureaucrats in Washington to put their personal stamp of approval of how States administer education. The whole idea of the carrot-and-stick approach is a bad idea.

However, we do not get what we want all the time in life. In the 1996 appropriation process, the House had zero dollars for this program; and in fiscal year 1997, we had zero dollars. I think the House spoke very clearly where it felt the $400 to $500 million should be spent. It should not be funded through bureaucrats in Washington; it should be spent at home, so people at home can do the best job educating the children. The people at home are the ones that know their names.

However, having said all that, in trying to get through a very tough process, I do believe we have reached an agreement that covers several issues.

I would be glad to yield to the subcommittee chairman.

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

Mr. GRAHAM. I am glad to yield to the gentleman from Illinois, the subcommittee chairman.

Mr. PORTER. I thank the gentleman for yielding, Mr. Chairman.

I would inform Members that this amendment is the first part of a four-part agreement. This amendment by the gentleman from South Carolina [Mr. GRAHAM] would cut $55 million from the Goals 2000 Program and transfer that money to the IDEA special education account.

There is a further amendment offered by the gentleman from California [Mr. RIGGS] that is part of the agreement. The agreement also involves the national testing. I agree with the authorizing chairman on this issue. The final part of this agreement is an amendment that will be offered by the gentlewoman from Kentucky [Mrs. NORTHUP] and the gentleman from California [Mr. RIGGS] that affects the part of the bill dealing with whole school reform and comprehensive school reform.

Mr. Chairman, I commend the gentleman from South Carolina for offering this portion of the amendment. I think we are moving money in the right direction. I am glad we could achieve agreement.

Mr. GRAHAM. Mr. Chairman, a question. Does this include the amendment offered by the gentleman from Oklahoma [Mr. COBURN] regarding the needle exchange program?

Mr. PORTER. I do not believe that part is part of this agreement. That will be taken up in order. As the gentleman may know, I am accepting that amendment, but I expect that there will be debate and a vote taken on that separately.

Mr. GRAHAM. I would like to thank the chairman.

A lot of people have worked hard to put this together: Chairman GOODLING, our Education Committee chairman; the gentleman from California [Mr. RIGGS]. But the folks who started this, the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Arizona [Mr. SHADEGG], the gentleman from Indiana [Mr. SOUDER], the others who spent hours trying to make this bill more acceptable for a lot of people, I want to thank them, because the hours have, I think, resulted in a product that I feel a little better about.

Life is give and take. Sometimes you have to fight for what you want. I think we fought in a very fair, acceptable way that makes the people in America more proud of the House. At least, I would like to think that, anyway.

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

Mr. GRAHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I agree with the gentleman's amendment, and believe because we mandate special education, we have a responsibility to put our money where the mandate is.

Mr. GRAHAM. Chairman GOODLING is one of the reasons we have reached this agreement. I hope people will accept this as being what it is, moving the ball a bit forward, not backward.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I think it is important for every Member of the House to understand what is occurring here.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw the point of order.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for every Member to understand what is happening here. This is an amendment which will be the last amendment to cut Goals 2000. This amendment is going to be accepted, most reluctantly accepted, on this side of the aisle, but it is part of an agreement, the other parts of which will follow immediately.

The committee will accept this amendment, further reducing Goals by the amount specified in the amendment. The committee then also plans to accept the Goodling amendment on testing, an amendment which I, for one, am strongly opposed to, but which I think represents the will of the House.

The committee will also accept, as I understand it, the Riggs amendment with respect to eligible IDEA recipients in prison; although, again, there is strong controversy on that question, and it will have to be further resolved in conference.

The committee intends also to then, as I understand it, accept the amendment, and I am not certain who will offer it, the amendment that will change the designation of Whole School Reform to reflect the intent of all sides that this be comprehensive reform. But we do not want to imply what the ''Whole School'' term seems to imply to some folks.

That represents, basically, the four pieces which will be accepted. It has been agreed that there will be a limitation, as I understand it, of an hour on the discussion of that issue.

I want to make clear, I very strongly personally oppose the idea of accepting the testing amendment. I have very strong reservations about the Riggs amendment, as well. I am certainly not thrilled with the idea of reducing Goals further. But all of these matters are going to have to be worked out between the administration and various groups in the Congress.

I would also say that I think the administration has a good deal of work to do in reaching an understanding on the testing issue with both the majority party and significant elements in the Democratic Caucus as well, and I hope that that can be accomplished. So I want Members to understand that this amendment is being accepted conditionally on our part.

□ 1445

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

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, how does the gentleman propose to proceed on this? Will there be individually considered amendments or just one?

Mr. OBEY. Mr. Chairman, reclaiming my time, yes, Members will be offering their amendments and other Members are free to say or do whatever they want.

Mr. CLAY. Mr. Chairman, if the gentleman would continue to yield, so this will not be a package that the gentleman is accepting in totality?

Mr. OBEY. Mr. Chairman, again reclaiming my time, as far as we are concerned, this is part of the four-cornered package which the committee has agreed to. Procedurally, we will be required to deal with these issues one at a time, but I wanted the House to know that this is part of an overall agreement that has been reached with much controversy. I expect that even after the House proceeds with it, that there will continue to be much controversy about a number of these items as we move to conference.

Mr. MCINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me also add my commendation to the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for agreeing to this four-part agreement in the education section of this bill.

As the American people who have been tuning in the last few days realize, there has been a substantial debate about the general direction of the funding of these three agencies, the Department of Labor, the Department of Health and Human Services, and the Department of Education, and that many of us feel that we need to move that funding out of Washington and into America where it can be put to good uses by the people who need help in these areas.

Mr. Chairman, I want to commend the authors of this agreement. I think it moves in exactly the right direction. This first amendment to be offered by the gentleman from South Carolina [Mr. GRAHAM] will take $55 million from Goals 2000, of which I will speak more later, and move it to the IDEA program which is sorely underfunded.

Then the gentleman from California [Mr. RIGGS] has a reform proposal on IDEA to make that more manageable at the State levels. The gentleman from Pennsylvania [Mr. GOODLING] has a wonderful amendment that says no fund shall be used to set up a national standard, which the President has been proposing that we do through the Department of Education and then an outside group. I strongly support that Goodling amendment and do agree that that is the will of the House and should be reflected today in a vote on that.

Then finally the work that the gentlewoman from Kentucky [Mrs. NORTHUP] has brought to our attention, the whole school reform, and once again we are creating a new program

under that proposal that would have strings attached to $200 million being sent to the local schools. The gentlewoman worked very hard to bring to the attention of this House the problems with that program, which she knows all too well in her home State of Kentucky. Without the effort of the gentlewoman from Kentucky, frankly, I am not sure we would have reached this agreement.

Ultimately, the people who are the winners out of this type of an agreement are the American people, because we have a better bill. We have had a lot of hard work by Members on both sides of the aisle, and it has been worth the hours that we have spent here debating these issues to reach this point. So I commend, again, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for accepting this agreement on these four amendments.

Now, there will be a couple of additional issues, such as allowing needle exchanges for drug users that Members will want to bring toward the ends of this bill. But I think we will be able to wrap up work fairly expeditiously on this.

Mr. Chairman, if I may, let me address in particular the Graham amendment. It has already been brought out in this House how IDEA has been a terrible mandate on the States, has been underfunded, and that we need to reach that critical 40 percent, something over $1 billion of Federal money, in order to meet our obligations under that bill here in Congress. This is a beginning toward that step. Fifty-five million dollars will allow us to keep negotiating for more additional funds.

Mr. Chairman, this program is one that is very dear to my heart, because it provides funds to allow disabled children to participate in an educational program that works for them. Some children are brought into the school and mainstreamed into their classroom. Other children have special, unique educational opportunities. This bill deserves funding, so I am very much in favor of this amendment.

In addition, the $55 million is coming from a program that has been terribly controversial in this country of ours. Goals 2000 has come to stand, for some people, as a Federal effort to teach values that those families do not agree with in our schools. To other people it represents an effort to dummy down the curriculum, to allow students to miss answers on their spelling quizzes and yet still receive a perfect grade because they need to meet these goals.

Mr. Chairman, this is unfortunate because the origin of Goals 2000 was a laudatory goal in increasing the standards of what our young people learn in their education. So I am very pleased that we are able to redirect this $55 million from Goals 2000 into the very worthy program of IDEA to provide education for disabled students.

Mr. Chairman, we have much more work to do in that area, and I trust that the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Pennsylvania [Mr. GOODLING] will continue to work through the conference to make sure that this amendment, as well as additional funds for IDEA, are made available, and that the other three amendments will continue to be reflected in the final legislation when it comes back to the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. GRAHAM].

The amendment was agreed to.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say a few words about some report language and then enter into a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, let me begin by very much thanking the gentleman from Illinois, the gentleman from Florida [Mr. YOUNG], the gentleman from Wisconsin [Mr. OBEY], and their staffs for all the help that they have provided me in attempting to try to address one of the most important issues facing American veterans and one of the great medical dilemmas facing our country, and that is that over 70,000 Persian Gulf veterans, including hundreds in the State of Vermont, who continue to suffer from Gulf war illness. Mr. Chairman, 6 years after that war's completion, there is still no understanding of the cause of that illness or the development of an effective treatment.

Mr. Chairman, the gentleman from Connecticut [Mr. SHAYS], who is the chairman of the Subcommittee on Human Resources, has held 10 hearings on Gulf war illness since March 1996. As a member of that committee, I cannot begin to express the frustration that many of us feel regarding the ineptitude of the Department of Defense and the VA in responding adequately and effectively to the needs of those veterans who continue to hurt.

Mr. Chairman, pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of Gulf war illness or an effective treatment protocol. In fact, their record has been so inadequate that last week the Presidential Advisory Committee on Gulf War Illness indicated that it will be recommending to the President that an independent agency outside of the Pentagon take on responsibility for investigating the health effects of low-level chemical and biological weapons exposures.

Mr. Chairman, I am happy to inform my colleagues that there is language in the committee report which funds an independent, scientific research program into how chemical exposures in the Persian Gulf relate to the illnesses suffered by as many as 70,000 of our veterans. This research program is to be implemented through the Secretary of Health with the National Institute of Environmental Health Science as the lead agency.

The committee, as I understand it, has agreed to appropriate $1.1 million for fiscal year 1998, and has committed to fund this research program at a level of $7 million over a 5-year period. What is important here is that for the first time a governmental entity outside the Pentagon or the VA will be looking at the role that chemicals may have played in Gulf war illness, and this is a major breakthrough.

Mr. Chairman, this report language is strongly supported by the American Legion, the Veterans of Foreign Wars, and the National Gulf War Resource Center. Veterans and Americans all over this country, to say the least, are less than impressed by what the DOD and the VA have done and are looking for an alternative methodology for getting some real research into the cause of that terrible problem.

Mr. Chairman, I would now like to enter into a colloquy with the chairman of the committee the gentleman from Illinois [Mr. Porter].

Let me begin by saying once again that I would like to thank the gentleman for his cooperation in this important effort. The report language is an important step in the effort to understand the health effects of chemical exposures in the Persian Gulf.

The report language does not address specifically what amount of money is to be appropriated for fiscal year 1998 for this research program. It is my understanding from discussions with the Committee on Appropriations staff that the committee intends that $1.1 million be spent for this purpose in fiscal year 1998. It is also my understanding that the committee intends that $7 million be allocated to this program over the next 5 years.

Mr. Chairman, I would like assurances from the gentleman from Illinois that these are the amounts which the Committee on Appropriations is committed to providing

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

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the gentleman from Vermont that the House committee intends that this program be supported in fiscal year 1998 at $1.1 million, and that the committee intends that this program be supported over the next 5 years at the level of $7 million.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Illinois very much for his help on this important issue, and I thank his staff as well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $8,204,217,000, of which $6,882,616,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999,

and of which $1,298,386,000 shall become available on October 1, 1998 and shall remain available through September 30, 1999, for academic year 1998–1999: *Provided,* That $6,191,350,000 shall be available for basic grants under section 1124: *Provided further,* That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1997, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $949,249,000 shall be available for concentration grants under section 1124A, $400,000,000 shall be available for targeted grants under section 1125, $150,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to whole school reform as authorized under section 1502(a)(1)(C), $10,000,000 shall be available for evaluations under section 1501 and not more than $7,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d).

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. RIGGS:

On page 65, line 23, strike ''whole school reform as authorized under section 1502(a)(1)(C)'' and insert in lieu thereof ''comprehensive school reform: Provided that such approaches show the most promise of enabling children served by Title 1 to meet challenging State content standards and challenging State student performance standards which shall include an emphasis on basic academics and parental involvement based on proven research and practices'';

On page 73, line 19, strike ''whole school reform'' and insert in lieu thereof ''comprehensive school reform: Provided that such approaches show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards which shall include an emphasis on basic academics and parental involvement based on proven research and practices''.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Chairman, reserving the right to object, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Is there objection to the amendments being considered en bloc?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, I believe I just heard the Clerk as she was reading the second amendment, she began the description of the amendment by saying ''on page 73, line 19,'' and the copy of the amendment I have in front of me says ''on page 73, line 18.''

Mr. Chairman, I would just like to clarify that. Mr. Chairman, I will withdraw my parliamentary inquiry. I am told that the reading Clerk is correct. Far be it from me to question the work of the wonderful people in the House.

Mr. Chairman, I further ask unanimous consent that all debate on these two amendments, and any amendments to these two amendments, be limited to 1 hour, to be equally divided between myself and the gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Committee on Appropriations.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Chairman, reserving the right to object, this pertains to the school reform amendment only?

The CHAIRMAN. Pending amendments and any amendments thereto.

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

Mr. OBEY. I yield to the gentleman from California.

□ 1500

Mr. RIGGS. Mr. Chairman, that is the intent of the unanimous consent request that I am offering now, that debate on these two amendments that deal with whole school reform be limited to 1 hour to be equally divided between myself and the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] and the gentleman from Wisconsin [Mr. OBEY], each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

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

I just want to reiterate my understanding of the agreement that resulted from some fairly extensive discussions or negotiations on the House floor today and which I think is attributable to the fine leadership, the bipartisan leadership of the appropriators.

First of all, as we heard just a few moments ago, the first aspect of the agreement was the accepting of the Graham amendment to move $55 million from Goals 2000 to IDEA, which is a Federal special education program, to IDEA part B.

Second, it is my understanding that at the end of this debate, the appropriators will accept the amendment that I am proposing, joined by the gentlewoman from Kentucky [Mrs. NORTHUP] and others, changing the legislative language in the bill regarding whole school reform. We will explain that a little bit further here as we get into the debate. And as part of that understanding, I also believe that we on the authorizing committee, led by our chairman, the gentleman from Pennsylvania [Mr. GOODLING], will be responsible for representing House Republicans during negotiations on this conference report, the Labor, Health and Human Services, Education appropriations conference report, again, regarding the $200 million that has been set aside or dedicated in the bill to whole school reform. Again, I point out that we hope that our amendment here that is now pending will modify the definition of whole school reform.

Also, as part of the agreement, Mr. Chairman, I understand, again I am going through this so that our colleagues hear this at least a couple of times and will be aware of what is transpiring on the floor, also as part of this agreement, the bipartisan leadership of the Committee on Appropriations, the gentleman from Illinois [Mr. PORTER], chairman, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, will accept the testing limitation amendment to be offered later today or tomorrow by the gentleman from Pennsylvania [Mr. GOODLING], and they will not oppose a recorded vote on that particular amendment after, obviously, the opportunity to debate the Goodling amendment.

Lastly, as part of this agreement, I understand that my amendment dealing with IDEA special education services for incarcerated individuals, adult prison inmates will also be accepted as part of this agreement. I would be happy to debate that particular amendment if the opportunity presents itself later.

Mr. Chairman, what we are discussing here again is the $200 million that has been set aside in two different accounts in the bill to fund whole school reform.

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

Mr. RIGGS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I ask the gentleman if it is his expectation to have a recorded vote on his IDEA amendment?

Mr. RIGGS. Mr. Chairman, it is not my intention to push for a recorded vote.

Mr. SCOTT. Mr. Chairman, I thank the gentleman.

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I just want to point out that this bill appropriates $200 million to fund whole school reform. Many of us, myself included, as chairman of the authorizing subcommittee, have some concerns about this $200 million, especially given the fact that no congressional hearings have been held this year on the whole school approach to education reform. We have been hoping for the opportunity which now presents itself in this debate to discuss exactly how that $200 million would be used to promote school reform and educational improvement at the local level.

We believe very strongly on this side of the aisle that we have to avoid micromanaging in public education.

I understand that whole school reform is designed to promote school reform at the local level based on one of seven approved models and the good work that the new American Schools

Corp. is doing. However, I personally believe that by defining what is a successful school at the Federal level really ignores that most real reform occurs at the local level and, of course, is the prerogative of those locally elected school board members. Those are the locally elected decisionmakers who are closest to the people. They are, obviously, accountable to the people in that community who vote in school board elections. I think we have to resist the temptation to attach strings to money that we provide for education and instead let local experts decide what is best in their community, what will work best in their community.

So we are trying to leave education reform up to the real education experts: States, local leaders, teachers, and parents.

We heard a little bit earlier today about charter school reform and the tremendous strides that are being made in promoting educational progress and improvement in America today through the start up of more charter schools. That is basically because charter schools are all about, as I explained in that debate, decentralization and deregulation.

I also want to add that I believe that the public schools, when deregulated, can compete with the very best private schools. That is also what charter schools are all about. We really do, again, want to respect local control in the longstanding American decision of decentralization of decisionmaking in public education, so instead of forcing taxpayers to fund a program where there may be questions about its success, we really do believe that we should try to make funds available to States and local communities to make better choices about how to improve the education of our children.

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

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

Mr. Chairman, I yield myself 12½ minutes.

Mr. Chairman, I think that there has been a great deal of confusion and misinformation and mischaracterization that has accompanied the debate on this issue. Let me try to walk the House through what in fact the committee is doing with the funding in this bill for this provision. I want to make clear I intend to support the amendment, because I see no difference in the amendment and what our original intentions have been.

Basically, as Members know, this bill has been part of a war zone the past 2 years. It has been one of the key issues, the education issues, the health issues, the labor issues in this bill have been some of the key issues that divided the majority party in the Congress from the White House and that division led to a protracted government shutdown. Because of that fact, we have tried this year to reach bipartisan agreement on this bill, which is one of the two big gorillas within the appropriations process, the other being the defense bill. We have tried to reach agreement between ourselves on a bipartisan approach so that we do not have a repeat of what happened 2 years ago and last year when we had savage differences of opinion on the bill.

Basically what we agreed is that the priorities of the Republican Party in the House, the priorities of the Democratic Party in the House, and the priorities of the President would all to the best of our abilities be respected and reflected in the bill.

That resulted in a significant increase in funding for the National Institutes of Health. It also resulted in significant increases in funding for school reform. Within the school reform arena, there are some conflicting ideas about how to proceed. The President, for instance, is strongly committed to Goals 2000. He thinks that is the magic answer to school reform. He is committed to testing. He thinks that is a key ingredient of school reform. Members of the House have varying degrees of enthusiasm about either of those approaches.

So we searched for another way to promote reform without getting into an ideological battleground. We came up with this compromise. Basically what we did was to not approve the President's significant increase in Goals 2000. We tried to keep that intact as much as we could, however, in comparison to last year's funding, and we tried to complement that package with another effort at school reform which would devolve most of the decisions back to the local arena.

What we did was to note that a group of very well-known businessmen over the past few years have become increasingly concerned with the failure of a good many public schools to perform the way they wanted them to perform. And because it is, after all, our employers in this country who wind up having to consume, so to speak, the product produced by our local schools when they hire workers that graduate from those schools, they set out to try to determine what could work to make school performance better than it is today. They funded a variety of approaches.

After they had done that for a number of years, they then hired the Rand Corp. to test those various models. They determined that there were six or seven models which they felt showed superior performance in terms of raising student performance.

That is not to say that those are the only models that work. There are many others that are being tried around the country and there are a number of others that seem also to perform rather well.

What they have been asking for the last 3 years is that the Congress help them jump start the school reform movement at the local level. So that is what we have tried to do. As a result, we have put in this bill the item now before us, a proposal to spend $200 million so that not just title I schools but all schools who want to experiment at how we improve academic performance can apply for seed money, seed money grants, in order to develop their own plans to reform at the local level.

Now, these reforms are meant to be comprehensive, not single shot. Some people seem to think that the way to deal with school reform is to load up schools with computers or plug into the Internet. Others seem to think we have got to rethink the way we train teachers. Those are all single-shot approaches.

What they have suggested is that we need to enable local school districts to think through how they are going to reform the way they operate in totality so that they take a look at the way they are administering schools, the way kids are being taught, the way teachers are being trained, and the way parents and families are being involved in local school decisions.

Despite some of the statements that have been made about this proposal, it has been suggested, for instance, that this is a top to bottom school approach, it is just the opposite. I welcome this amendment because in my view it simply clarifies the original intent of the committee.

What we are trying to do is get decisions not only moved out of Washington to the local district but we are also trying to get schools to operate on the basis of not just how the local superintendent thinks they ought to run but on the basis of how local parents, local faculty, and the community itself thinks they ought to be run. And that is what this is an attempt to do.

Now, it has also been charged that it was the intent of the committee to say that there were only seven models that could be reviewed. That is absolute nonsense. I do not care, and neither does the committee, if the local school districts choose one of the seven models developed by the new American schools movement or if they choose some other model or if they develop their own wrinkle. The only requirement we have in this proposal is that after these schools try whatever reforms are developed at the local level, they have to accept evaluation by somebody besides the people who implemented it so that parents know whether, in fact, there has been an increase in the level of performance. That is exactly what this approach does.

That is why this package has been endorsed by the American Education Research Association, a wide variety of teachers' unions, as well as school administrators, local school board associations, the Council of Chief State School Officers, the National Association of Title I Directors, the National Parent-Teachers Association, and all the rest, because they recognize that this is an effort to empower local people in local communities to improve

the standards of their schools without taking dictation from either Washington or their local school board.

□ 1515

So I welcome the amendment because it simply clarifies what the intention is.

I would also point out, because some people seem to be seeing ghosts, and I want my colleagues to understand who is the New American Schools group. Their first full-time president was that well-known leftist Ann McLaughlin. She was Ronald Reagan's Secretary of Labor. She was the first full-time president of the organization.

The president of that organization is now David Kearns, who was formerly the chief executive officer of Xerox. In addition, we have Lou Gerstner, who is chairman and CEO of IBM Corp.; and Robert Allen from AT&T; John Clendenin from BellSouth, the chairman and CEO of B.F. Goodrich Co.; the chairman of Honeywell; the chairman of Boeing; the chairman of Lockheed Martin; the chairman of TRW; the chairman of GTE; Paul Tagliabue, the National Football League Commissioner, and others.

This is the supposed left-wing conspiracy that got together and decided that public schools were worth saving and that we needed to base our reforms on hard-headed research, not somebody's ideological ideas, be they right or left, about what might or might not work.

And so it just seems to me that conservatives, liberals, moderates, you name it, all ought to be able to agree that the best way to reform schools is to give people the local resources and the local flexibility to do it. And that is why we did it, so that we could have a constructive alternative to some of the approaches that were polarizing the country.

I want to give my colleagues one example. Bob Slaven, who has developed the model which Johns Hopkins is helping local school districts with around the country, Success For All. He will not even allow the materials for his program to be sent out to any local school district unless they first have broad-based acceptance in the entire community that that is the approach that that local community wants to try.

It is not enough to get the school principal, it is not enough to get a few activist faculty members. They have to have 80-percent agreement from the administrators, 80-percent agreement from the faculty and broad-based community support as well, or he will not even provide his materials to them. He will not even work with them.

So it seems to me that despite people's different sets of concerns, we have arrived at exactly the same place we started. We are putting a key amount of money in a new initiative which originates in the Congress on this end of Pennsylvania Avenue and which demonstrates, I think, that we can have good ideas about education whether we are in 1600 Pennsylvania Avenue or whether we reside in the Capitol Building or whether we reside in local school districts all throughout the country.

This is the idea behind it. And I think that this language, suggested by the gentleman from Pennsylvania [Mr. GOODLING] and others, helps us to clarify that, and so I happily accept it. And I think we can get on to discuss our individual philosophies, but in the end, when this funding is adopted, we will strengthen the ability of National Government to do what we do best, not to impose our own judgments but to help local schools develop their own best ideas about how best to educate their kids.

Because in the end I deeply believe that the most important ideas about what happens in education are those that occur at the local level. Parents, teachers, business leaders, students themselves, everyone has a shared responsibility. And what counts is what happens in each individual school because that is where the kids learn, one school at a time, not one State at a time, not on the basis of some nationally imposed prescriptions.

This is simply an effort to help local people develop their own best views about how to achieve a suitable performance.

Mr. Chairman, I insert the following for the RECORD:

CALIFORNIA CONGRESS OF PARENTS,
TEACHERS, AND STUDENTS, INC.,
Los Angeles, CA, September 8, 1997.

Hon. FRANK RIGGS,
U.S. House of Representatives,
Washington, DC.

Re Opposition to proposed amendment of H.R. 2264.

DEAR MR. RIGGS: I am writing on behalf of the California State PTA to convey our opposition to an amendment that would eliminate ''whole school reform'' from H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Departments of Labor, Health and Human Services, and Education. As we understand the proposed amendment, it would remove from the budget the $200 million now targeted to whole school reform initiatives and redirect this amount to Title I basic grants.

We support the bipartisan proposal by subcommittee chairman John Porter (R–IL) and member Davy Obey (D–WI) to promote educational reform efforts that focus on a whole school. This approach to school improvement brings together parents, teachers, administrators and others in a community to address their school's problems in a way that is comprehensive but specifically tailored to local needs. Many successful models around the country show that whole school reforms do work. This $200 million is a wise investment and would provide much needed assistance for schools that recognize their problems and are trying to improve.

PTAs in California actively supports the current Title I programs and would enthusiastically support an increased funding allocation for Title I basic grants; but we believe the money should not be taken away from the whole school reform initiative. Providing for these reforms is an important bipartisan effort that would surely increase the effectiveness of Title I programs in helping economically and educationally disadvantaged students to achieve educational success.

In sum, PTA believes an amendment to eliminate the whole school reform initiative is not in the best interests of California's children. We urge you to support the $200 million education appropriation targeted to while school reforms.

Thank you for considering our concerns.

Sincerely,

ROSALINE TURNBULL,
President.
ANN DESMOND,
Director of Legislation.
BETTY DEFEN,
Advocate for Federal Legislation.

SEPTEMBER 9, 1997.

Hon. TOM COBURN,
U.S. House of Representatives,
Washington, DC.

DEAR MR. COBURN: On behalf of the Oklahoma PTA, I am writing to oppose your amendment to H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Departments of Labor, Health and Human Services, and Education—that would eliminate funding targeted to whole school reform through Title I and the fund for the Improvement of Education to Title I basic grants.

We realize that effective school reform is very much needed in America and that the Oklahoma's 109,000 PTA members are eager to support an increased funding allocation for Title I basic grants. At this time we are not in agreeance to divert monies away from this initiative to spark whole school reform. The initial funding that has been set aside for H.R. 2264 will provide the financial support schools need to implement these whole school reforms and we strongly oppose your amendment to eliminate funding for this purpose.

Sincerely,

LIZ PARKER,
President, Oklahoma PTA.

INDIANA PTA,
Indianapolis, IN, September 9, 1997.

Hon. DAVID MCINTOSH,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you that the Indiana PTA fully supports the bi-partisan support—adopted as part of H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education—that would direct $200 million to whole-school reform initiatives.

We understand that you are opposing the whole-school reform initiative part of that bill. While we would fully support additional funding for Title I basic grants, we in Indiana cannot afford to take this money away from whole-school reform.

Effective school reform demands a strong commitment of financial resources and appropriate technical assistance to ensure successful implementation. There are many proven research-based models of effective schools that communities can replicate if they have the tools. The funding that H.R. 2264 sets aside for this purpose would be much needed financial support schools will need to implement whole-school reforms.

The whole-school reform initiative would nicely complement Title I in helping economically and educationally disadvantaged students achieve educational success. We strongly support the $200 million in supplemental assistance for whole-school reform and encourage you to support it as well.

Indiana's children are depending on you to support all measures that would advance their educations. Thank you for considering this as a priority item for those children.

Sincerely,

DARLENE MALONEY,
President.

INDIANA PTA,
Indianapolis, IN, September 9, 1997.

Hon. MARK SOUDER,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I am writing to advise you that the Indiana PTA fully supports the bi-partisan support—adopted as part of H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education—that would direct $200 million to whole-school reform initiatives.

We understand that you are opposing the whole-school reform initiative part of that bill. While we would fully support additional funding for Title I basic grants, we in Indiana cannot afford to take this money away from whole-school reform.

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The whole-school reform initiative would nicely complement Title I in helping economically and educationally disadvantaged students achieve educational success. We strongly support the $200 million in supplemental assistance for whole-school reform and encourage you to support it as well.

Indiana's children are depending on you to support all measures that would advance their educations. Thank you for considering this as a priority item for those children.

Sincerely,

DARLENE MALONEY,
President.

SEPTEMBER 9, 1997.

Hon. ANNE MEAGHER NORTHUP,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORTHUP: I am writing to you to ask for your support in voting against Representative Riggs's amendment to redirect $200 million from the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education, H. R. 2264. We know that his amendment is to take this money away from ''whole school reform'' and put it in Title I funds. We definitely support Title I efforts but feel that school reform is of utmost importance to our state.

In 1990, you were one of a few Republicans that voted for Kentucky Education Reform Act. You felt that a new educational system was exactly what Kentucky needed to move forward in education. It takes money to make sweeping changes in school reform, as you well know by being part of Kentucky's movement in 1990. You have seen vast improvements in Kentucky's education through our new school reform.

Please continue your support for initiatives in whole school reform at the national level. All our children deserve to learn at higher levels and can do so with improvements by each community working together to address the problems schools face in a very comprehensive manner.

Please vote to keep $200 million for ''whole school reform'' as a part of H.R. 2262.

Sincerely,

SHARON SOLOMON,
Legislative Chairman, Kentucky PTA.

[The New American Schools Network]

ACCOMPLISHMENTS

GROUNDBREAKING R&D

In five years, New American Schools has developed exciting new designs for effective schools that enable students to reach high standards. (Most American schools are based on a model designed at the turn of the century.) Working with leading teams of education researchers, teachers, principals, and policymakers, the NAS Design Teams have successfully created models for whole-school improvements.

TESTING DESIGNS IN THE 'REAL WORLD'

We tested our designs in 147 schools and in 19 states to verify, improve, and fine-tune our approaches.

A 1995 analysis by RAND documents New American Schools' successes at the test sites so far. RAND reported that virtually all field-test sites have implemented high academic standards and more in-depth, insightful ways of testing students. In addition, test sites are adopting improved curriculum and teaching strategies, according to RAND, and parent and teacher enthusiasm for these schools continues to grow.

SUCCESS ON A BROAD SCALE

We are currently working with a total of nearly 500 schools in and out of the NAS jurisdictions in ten communities—cities, districts and states—New American Schools is working to bring high performance designs to at least 30 percent of their schools within five years.

LESSONS LEARNED

We consider one of our most important accomplishments to be the knowledge we've collected in five years of developing, testing, and spreading the use of new school designs. The lessons are:

The vision of reform must be clear, shared by school staffs and the communities they serve, and directed at the entire school—not an isolated department or program.

Professional development (training) for teachers and administrators is crucial to successful school improvement and the training must be tied directly to the school vision. But it must be coherent, reinforcing a long-term vision for change and advancing progress toward higher student achievement. New American Schools Design Teams have worked concertedly to eliminate fragmented one-shot training efforts.

One size does not fit all. Communities need a range of tested, research-based options for school improvement. New American Schools' plan to give schools choices among successful reform strategies ''is a significant break with some past efforts that sought to impose a single best solution on schools from above,,'' according to RAND.

An investment fund is critical to school transformation. Ultimately, high performance schools will run at the same cost as today's schools, but they require an initial capital investment to jump-start the changes needed. New American Schools estimates that this investment will range from one to two percent of a district's overall budget.

Most schools and districts that have embarked on reform need consistent, ongoing support and assistance from outside organizations with expertise in school improvement.

School change is necessary but not sufficient; school systems must change, too. Teachers, principals, and parents need supportive policies and administrators backing them up.

Teachers can't do it all. Public engagement must be a serious sustained strategy involving parents. students, employers and religious and community leaders if school improvement is to last.

MOUNTING EVIDENCE

No studies have found exactly what makes it possible for children to succeed in school—if there were a single easy answer, it would have been pursued by now. However, there is mounting evidence that the approaches embodied in the New American Schools designs contain all the elements that state-of-the-art research shows are needed for success.

Two recent reports, in particular, confirm the principles and practices embodied in New American Schools designs:

Successful School Restructuring, a 1995 report by the Center on Organizing and Restructuring of Schools (CORS), and

Schools and Workplaces—An Overview of Successful and Unsuccessful Practices, a 1995 report by the General Accounting Office.

Of course, the most tangible indicators of success come from the schools and communities using our designs.

MORE SPECIFIC ACHIEVEMENTS

New American Schools designs and the communities in which they are working are measuring success in many ways—student test scores, teacher retention, safety and discipline incidents, new practices linked to successful student performance, such as team teaching, active and exciting classrooms, hands-on learning and others.

In a short period of time, New American Schools has generated impressive results.

In many schools using one of the New American Schools designs:

Students are producing higher quality work, achieving at higher levels, and showing improvement on standardized tests and other measures of performance.

Discipline problems are down. Student attendance and engagement are up.

Teacher enthusiasm and community involvement are both on the rise.

Student achievement throughout the school is improving quicker than conventional wisdom suggests is possible.

A few examples of real results so far:

In pilot schools using the Roots and Wings design, third-graders' scores on the Maryland School Performance Assessment Program rose in language, math, and science,

Fourth-graders in a Co-NECT school made significant gains on a Massachusetts statewide test compared to two years earlier.

The proportion of third-graders demonstrating essential skills rose from 22 percent to 50 percent in reading, and from 48 percent to 82 percent in math at a school in the South Bronx using the Modern Red Schoolhouse design.

New American Schools Working Towards Excellence: Early Indicators from Schools Implementing New American Schools Designs covers the latest results available on all seven designs.

Some schools will not see test scores rise this quickly. New American Schools believes, however, that quantifiable increases in student performance are among the most important indicators of success, and we will insist on accountability in this area.

DEMONSTRATING PROGRESS—PROFILES OF EXEMPLARY SCHOOLS USING NAS WHOLE SCHOOL DESIGNS, SEPTEMBER 8, 1997

AUDREY COHEN COLLEGE SCHOOL

The Audrey Cohen College system of education focuses student learning on the study and achievement of meaningful ''purposes'' for each semester's academic goals. In fourth grade, for examples, one purpose is ''we work for good health.'' Students achieve their purpose by using their knowledge and skills to plan, carry out, and evaluate a constructive action to benefit the community and the larger world. The design emphasizes strong leadership among administrators, teachers, parents, students and community members.

Number of schools: 21.

Locations: Dade County, Florida; Hollandale, Mississippi; Memphis: Phoenix; San Diego; Seattle.

For More Information: contact Janith Jordan, (212) 343–1234 ext. 3400; email: JanithJ@aol.com; www.audrey-cohen.edu.

Simmons Elementary School, Hollandale, MS

For six years, Simmons Elementary School has been an Audrey Cohen College school. Students monitor their own progress as they increasingly assume responsibility for their learning.

Each student is assessed to see how well he or she understands academic content and to determine their ability to use knowledge and skills with increasing sophistication to achieve the overarching purpose of the academic plan. Under the Audrey Cohen whole school design, students achieve a meaningful purpose each semester by planning, carrying out, and evaluating a ''Constructive Action'' in which they use their knowledge and skills to benefit their community and the larger world. In using what they know and applying what they learn, students not only achieve a meaningful Purpose, but they also learn to be effective and caring citizens able to manage their lives and help to make the world a better place to live. For example, sixth graders at Simmons Elementary School recognized the need for more community planning. They met with university, business, and government officials to initiate work on a strategic plan for economic and community development. Subsequently, they participated in the actual community planning.

As a result of this approach, students at Simmons Elementary made gains in Reading, Mathematics, and Language on the state's test of academic skills between 1994 and 1995, and these gains were sustained on the most recent 1996 results. By 1996, fifth grade students at Simmons ranked third in the state in Language, ninth in Reading, and sixteenth in Mathematics out of 153 schools measured. Simmons has been featured in the Memphis Commercial Appeal as a ''success story'' and the Superintendent cited for leading the way in showing what quality public education can be. The Superintendent credits the Audrey Cohen approach called ''Purpose-Centered Education'' for the district's current success.

Louisa May Alcott Elementary School, San Diego, CA

''My husband and I learned first-hand that in many areas—math, computer technology, reading comprehension, and most important, the teaching of respect for oneself and others—this school far exceeds the two private schools we tried. I have seen the strength of the Purpose-Centered curriculum and staff.''—Louisa May Alcott Elementary, School Parent

''We introduced the College's Purpose Centered Education in our elementary school five years ago and the results have been incredible. The evidence is varied and is visible not just in the excitement and new culture of the school but throughout the community.''—Principal

Louisa May Alcott Elementary School in San Diego has been using Audrey Cohen's Purpose-Centered school design since 1991–92. Over the past six years, the community has been actively involved with the College's system of education through a growing number of community members serving as Purpose Experts and community businesses and organizations serving as sites for Purpose Trips.

School-wide activities developed by students have been effective in sustaining and increasing student achievement gains. Through the years, the school has maintained or improved its above-average scores in Reading and Mathematics. Constructive Actions being developed at the school are creative and far reaching. For example, through the Internet, students learned that foundations offer help to people who are suffering. The students decided to find a way to use technology as a communications device in order to rally people from all walks of life around individuals in need. This activity enabled students to become familiar with various technologies, including the Internet, for sharing information. Students were able to understand how distant communities can be linked by sharing information around subjects of interest and concern to all.

Students at Louisa May Alcott Elementary School also planned and conducted a full-blown health conference, with exhibits, demonstrations, activities, materials and services such as blood pressure readings, to inform community decision-makers about health issues that they thought were not being addressed. Through the local news media, the class also took a position against proposed cuts in the local Health Department budget.

EXPEDITIONARY LEARNING OUTWARD BOUND USA

Built on the 10 Outward Bound principles, Expeditionary Learning Outward Bound operates on the belief that learning is an expedition into the unknown. Expeditionary learning draws on the power of purposeful, intellectual investigations—called learning expeditions—to improve student achievement and build character. Learning expeditions are long-term, academically rigorous, interdisciplinary studies that require students to work inside and outside the classroom. In Expeditionary Learning schools, students and teachers stay together for more than one year, teachers work collaboratively through team teaching and shared planning, and there is no tracking.

Number of Schools: 53

Locations: Baltimore County, Maryland, Boston; Cincinnati; Dade County, Florida; Decatur, Georgia; Denver; Dubuque, Iowa; Portland, Maine; Memphis; New York City; San Antonio

For More Information: contact Amy Mednick, (617) 576–1260 ext. 17; email: info@elob.ednet http://hugse1.harvard.edu/~elob

King Middle School, Portland, ME

King Middle School's students include a growing number of immigrants who speak as many as 28 different languages. Nonetheless, the school went from being below the state average in all curriculum areas in 1994–95 to being above the state average in six out of seven areas in 1995–96. As a result, principal Mike McCarthy was selected as Maine Principal of the Year.

King faculty have developed a shared understanding of effective middle level education grounded in core principles: active learning in thematic, project-based learning expeditions that have meaning and purpose; sharing student work with authentic audiences beyond the classroom; heterogeneous grouping and instructional practices that incorporate multiple learning styles; multidisciplinary team teaching; cooperative learning; and high expectations that each and every student is capable of high achievement and high quality work. Through ongoing conversations, there is a shared vision of whole school change focused on a common set of design principles.

All teachers plan and teach in teams, and team planning time is built into the school schedule. Staff development workshops are held weekly after school on issues related to school improvement and implementation of Expeditionary Learning. The school is divided into two houses to promote and foster effective student teams. All students stay with the same team of teachers for two years in order to foster a sense of belonging among both students and teachers and to create the stability and familiarity of a long-term relationship between students, teachers, and parents.

Every learning expedition ends with students sharing work with an audience beyond the classroom, enhancing the sense of purpose and belonging. For example, students published a professional quality field guide to intertidal life in Casco Bay and presented their design plans for a Portland Aquarium to architects and the Portland Museum Design Committee. Both the nature of the tasks and the public demonstration constitute real world assessment that foster high quality student work. The school held a two day fair where community members, parents, and teachers from other schools were invited to see a gallery of student work from learning expeditions.

King School has developed a core curriculum aligned with Maine educational standards that is the focus of learning expeditions. Learning expeditions provide a highly effective means to address the learning needs and styles of a diverse group of learners in heterogeneous classrooms. Learning expeditions challenge and support each student to do his or her best, using multiple voices and media, and then to better their personal best. The ability to translate state learning standards into an effective curriculum and instructional practices was demonstrated by performance of King students on the Maine Educational Assessment, which focuses on critical thinking and higher order thinking skills.

Rocky Mountain School of Expeditionary Learning (RMSEL), Denver, CO

''The Rocky Mountain School of Expeditionary Learning is well on its way to becoming a powerful example of educational practice for the state of Colorado and the nation. We were greatly impressed with the level of commitment, respect, and thought about learning that both students and teachers demonstrated during our visit. Nearly every student interviewed by the visiting team could articulate what they were learning and where they were going. We saw much evidence of Expeditionary Learning Design Principles in action. RMSEL is helping students overcome fear and apathy while 'allowing them to discover that everyone has much more in them than they think.' It is clear that RMSEL is a thoughtful, caring and respectful community of educators. We look forward to following the school's progress.''—From the Report of the Visit of the North Central Association (NCA) Visiting Resource Team (April 1997)

Through an ongoing series of task forces, whole school planning meetings, and reflection, the Rocky Mountain school's faculty and parents have developed and are continuously improving ''rubrics'' for student work for scientific reasoning (science and technology), quantitative reasoning (math), cultural understanding (social studies), language arts, writing, and arts, literature, and aesthetics. Led by the Portfolio Committee, the school structure focused discussions of student work in teacher teams and in classes with students, and developing a school-wide assessment plan.

The school has set aside one staff meeting each month to fine-tune rubrics, and to think about what they value in student work in various domains and how to capture those criteria in rubrics. Additional staff meetings are devoted to sharing and giving feedback on learning expeditions. Assessment of student work with rubrics is used in developing learning expeditions and thinking about the qualities of culminating projects and exhibitions.

The school has developed an authentic graduation requirement and ''rites of passage'' (graduation performances) for grades

2, 5, 8, and 12 based on portfolios and a demonstration of what students know and are able to do. The process of developing graduation requirements began with a three day retreat where teachers, parents, and students developed a draft for discussion within the school community. The graduation requirement and rites of passage integrate the major academic disciplines with experiential learning, intellectual rigor, reflection, service, and adventure. To demonstrate that the graduate has both a well developed intellect and character, he or she must present ten portfolios and a senior exhibition project to the graduation committee.

RMSEL makes service learning an important and formal part of their educational focus. As part of the graduation requirement, students must submit a Service Portfolio that contains (1) a formal resume of the student's community service work that is viewed as being significant to the community and relevant letters of reference from supervisors or organizers; (2) a major service project that is presented in the form of an essay, video, or oral presentation; and (3) evidence of service to the school.

MODERN RED SCHOOL HOUSE

This design strives to help all students achieve high standards through the construction of a standards-driven curriculum; employment of traditional and performance-based assessments; effective organizational patterns and professional-development programs; and implementations of effective community-involvement strategies. Students master a rigorous curriculum designed to transmit common culture, develop character, and promote the principles of democratic government.

Number of Schools: 52

Locations: Columbus, Beech Grove, and Greentown, Indiana; Dade County, Florida; Franklin and Lawrence, Massachusetts; Illinois; Indianapolis; Kayenta, Arizona; Memphis; New York City; Philadelphia; San Antonio

For More Information: contact June Gregory, (888) 275–6774; email: skilgore@mrsch.org; http://www.mrsh.org

Robert Frost Elementary School, Indianapolis, IN

Since Fall 1993. Robert Frost Elementary School has implemented most aspects of the Modern Red Schoolhouse Design. Classes have been redesigned to promote continuous student progress toward standards in a multi-age, multi-year setting. Core Knowledge is used as the foundation for teacher-developed units that are linked to the modern Red Schoolhouse standards. An instructional management team meets with the principal weekly to design and modify instructional practice, technology use, design implementation, and budget plans. This team also works to write grant proposals and to organize extended learning opportunities.

Test scores on the standardized NCE test given to fifth graders improved across the board in the 1996–97 year. Scores for fifth graders rose 12 points in reading, 12 points in math, and 10 points in language over the 1995–96 scores. Robert Frost Elementary achieved 100 percent participation in parent conferences in both the 1995–96 and the 1996–97 school years and its accountability plan is being used as a model for all Indianapolis Public Schools.

Treasure Island Elementary School, North Bay Village, FL

Treasure Island Elementary also uses the Modern Red School House design to focus on high academic achievement for all students. According to the approach taken by the school all children can learn and attain high standards but vary in the time they need to learn and the ways they learn best. To accommodate the varying needs of children, the school introduced 13 after-school classes which are attended voluntarily by over 20 percent of students at the school. These classes include both enrichment and support topics such as Creative Writing, Math-Manipulatives, and Spanish Literature. To help students concerned with their test taking skills, the school also implemented a Saturday Academy focused on following directions during a test and managing time during a test.

Treasure Island has developed block scheduling for staff in order to allow them one hour of grade level planning time every day to be used either for grade level teams or for personal planning time.

Modern Red has helped to clarify and target Treasure Island's focus—organizing instruction to meet the needs of all students. By reallocating funds from a variety of sources (Title I, grant monies, and instructional funds), they have been able to improve both the content and the delivery of curriculum.

Results have been impressive. Students have increased their reading comprehension, mathematics computation scores, mathematics applications, and science scores each year. Scores in reading comprehension are up four percent since last year. Mathematics computation and mathematics application scores are up 15 percent and 7 percent, respectively. Science scores increased 11 percent.

CO-NECT

Assisting schools in creating and managing their own high-tech equipment and network, Co-NECT uses technology to enhance every aspect of teaching, learning, professional development, and school management. Co-NECT Schools are organized around small clusters of students who are taught by a cross-disciplinary team. Most students stay in the same cluster with the same teachers for at least two years. Teaching and learning center on interdisciplinary projects that promote critical skills and academic understanding. A team of educators and parents set school goals.

Number of Schools: 78

Locations: Cincinnati; Dade County, Florida; Juneau, Alaska; Memphis; Philadelphia; San Antonio; Worcester, Massachusetts

For More Information: contact Diana Nunnaley, (617) 873–2683; email: infoconect.bbn.com http://co-nect.bbn.com

Oak Forest Elementary School, Memphis, TN

Oak Forest Elementary School, located on the outskirts of Memphis, Tennessee, has been working with Co-NECT since 1995. The school lab, greenhouse, computer lab, multipurpose room, story-telling room, library/media center, and music rooms.

The school has had a strong commitment to technology since its opening in the fall of 1993. It is one of twenty-four Memphis City Century Classroom Program. Every classroom in grades 4–6 has a minimum of three fully-equipped technology stations, and one teacher workstation with a large-screen display, laser disc player, and VCR. Every classroom in grades K–3 has at least one computer. Every classroom is connected to the Internet.

Some 32 classroom teachers in grades K–6 are teamed in clusters of three to four classes, representing different grades and ages. The cluster studies the same topic, with each class investigating a different question related to that topic. For example, if the topic is North America, one class may study North American birds, another may study the different cultures, while another may elect to study folk tales. As a way of keeping teachers with the same group of students for more than one year, some teachers ''loop'' with their classes—teaching, for example, 4th grade one year and 5th grade the next.

In recent years, teachers have become increasingly adept at using technology to enrich and extend curriculum projects. For examples, using the Internet, students have collected data on acid rain from other students in California, New York, Illinois, Germany, Japan, and Russia. They used a spreadsheet program to organize the data and create graphs and charts, then presented their findings using HyperCard.

Campbell Drive Middle School, Homestead, FL

In the spring of 1996–1997, Campbell Drive Middle School, a Co-NECT School in Dade County, Florida, reported test score gains in several critical areas, including writing, reading comprehension, science, and mathematics.

Most impressively, the percentage of students scoring ''3.0'' or higher or Florida Writes!, the state writing assessment, is now up to 72 percent approaching the district average, marking the third year in a row of continuing improvement.

PERCENTAGE SCORING 3.0 OR BETTER ON FLORIDA WRITING ASSESSMENT

	1993–94	1994–95	1995–96	1996–97
Dade County Public Schools	45	66	84	80
Campbell Drive Middle School	14	52	67	72

These results are especially impressive in a year when scores on the state writing assessment have dropped district wide. In fact, Campbell Drive was the only school in Region IV to show improvement, and was the second most improved middles school in Dade County. Scores on the Stanford Achievement Test were also up in science (grade 8), reading comprehension (grade 8), and math applications (both grade 7 and grade 8).

Principal Santiago Corrada credits the hard work of this teaching staff and students for these improvements. ''We've had a banner year,'' he says, ''and although we still have room for improvement, we're rapidly becoming the premier middle school in South Dade.''

The school has recently organized a ''Tech Squad'' to help train other students how to use various software applications as well as help maintain the school's web site. The squad is made up of nine students trained by four Campbell Drive teachers. The students have learned how to use scanners and QuickTake cameras. After learning various technologies, the squad ventures into classrooms to help train teachers and fellow students.

Located in Homestead, Florida, Campbell Drive Middle School serves a student population that is 54 percent Hispanic, 34 percent African-American, and 10 percent White. In 1995–1996, approximately 83 percent received free or reduced lunch, and 8 percent were classified as having Limited English Proficiency. Many are children of migrant workers. The school has been a Co-NECT School since 1995–1996.

ATLAS COMMUNITIES

The ATLAS design centers on pathways—groups of schools made up of high schools and elementary and middle schools that feed into them. Teams of teachers from each pathway work together to design curriculum and assessments based on locally defined standards. Teachers collaborate with parents and administrators to form a learning community that works together to set and maintain sound management policies.

Number of Schools: 52 (10 pathways)

Locations: Gorham, Maine; Memphis; Norfolk, Virginia; Philadelphia; Prince George's County, Maryland; Seattle

For More Information: contact Jane Feinberg, (617) 969–7100, email: Atlas@edc.org http://www.edc.org/FSC/ATLAS

The Booker T. Washington High School, Memphis, TN

In 1989, Principal Elsie Lewis Bailey joined The Booker T. Washington High School in Memphis, TN as an assistant principal. Her appointment was part of the city's ''de-regulation'' experiment, which gave schools in close proximity to public housing and opportunity to interview only those staff who chose to be there. As a result, ''the turmoil was gone, but the academics were still very poor.''

As principal, Bailey began to lay the groundwork for changes in curriculum and teaching practice. A colleague in Texas had helped her implement block scheduling. The school also formed curriculum committees, readying her staff for conversations around education reform. ''If you don't have or develop a site-based framework, ATLAS won't work,'' commented Bailey.

After two years with ATLAS, Bailey reported that the school has incorporated pieces of the ATLAS design in phases. During the first year she spent much of her time working closely with the ''resistors to change.'' It was not until the next year when she visited the elementary and middle schools in the pathway that, ''the light bulb went off in my head. Atlas in not going to make us change. ATLAS is a framework—we decide how we're going to do it.''

Bailey spoke of the deep impact of ATLAS on the students at Booker T. Washington. A peer mediation program is in full force. All student work is expected to be typed. The school just finished its first pilot year doing Exhibitions, a milestone considering that students in the school thought they were incapable of such work. The school has also implemented full inclusion. She mentioned one student whose state test score went from 49 to 85 after inclusion. ''We've got to stop labeling kids. Our children lack experiences. If you've never seen a mountain, you can't talk about it.''

Mason Elementary School, Boston, MA

In 1991, the Boston Herald called the Mason Elementary School the ''least chosen'' of 120 schools in Boston. Enrollment at Mason Elementary School was at an all-time low in 1991. The building was falling apart. Retention between first and second grade was 30 percent. Special education referrals were in the double digits. Reading scores were in the lowest quartile. The school offered no psychological services and no extended hours. Parent involvement was minimal at best.

In five years, Mason Elementary has been transformed. Now one of Boston's ''overchosen'' schools, Mason is bursting at the seams with students. Enrollment is 11 percent above capacity. The school has undergone renovations worth $1.5 million. Special Education referrals have fallen to six percent, while test scores have moved to the upper quartile. In addition, more than 90 percent of the parents are involved in the school and volunteer hours have soared from 30 in 1991 to 600 in 1996.

ROOTS & WINGS

This elementary school design builds on the widely used Success for All reading program and incorporates science, history, and mathematics to achieve a comprehensive academic program. The premise of the design is that schools must do whatever it takes to make sure all students succeed. To this end, Roots and Wings schools provide at-risk students with tutors, family support, and a variety of other services aimed at eliminating obstacles to success.

Number of Schools: 236

Locations: Anson County, North Carolina; Asbury Park, New Jersey; Cincinnati, Elyria, and Dawson-Bryant, Ohio; Columbus, Indiana; Dade County, Palm Beach County, and Putnam County, Florida; Everett, Washington; Flint Michigan; Henry County and Memphis, Tennessee; Houston; Aldine, Morton, Muleshore, San Antonio, Texas; Mesa and Lueppe, Arizona; Modesto, Pasadena, and Riverside, California; Brooklyn, New York; Philadelphia and Johnstown, Pennsylvania; Rockford, Illinois; St. Mary's County and Baltimore County, Maryland

For More Information: contact Dr. Robert Slavin, (410) 516–0274; email: rslavin@inet.ed.gov http:/scov.csos.jhu.edu/sfa

Lackland City Elementary School, San Antonio, TX

Lackland City Elementary School began working with the Success for All component of Roots & Wings in the fall of 1994. The reading program was successfully implemented at all grade levels and a special effort was made to ensure that all students had opportunities to take books home to read. Additional support was provided for reading by having older students listen to younger students read during breakfast served to most students in the school through federal funds. The school added its family support component in 1994 and began implementation of Math Wings in third, fourth, and fifth grades in the fall of 1996. The school's focus on community involvement has led to partnerships with local agencies. For example, Santa Rosa Hospital provides a weekly immunizations clinic at the school, as well as WIC program services.

Since implementing Roots & Wings, 84 percent of students at Lackland Elementary are achieving the grade level objectives in reading on the Texas statewide assessment (TAAS). On the mathematics TAAS, eighty-five percent of the students achieved grade level—an increase of 35 points over the previous year when the school began implementation of Math Wings. All students read a book of their choice at home each night and virtually every single parent reports that they listen to or discuss what their children are reading and sign a ''reading response'' form each week.

El Vista Elementary School, Modesto, CA

El Vista Elementary School has been working with the Roots & Wings design since 1993. All of the elements of the reading program, Success for All, have been fully implemented throughout the school since 1991. Additionally, one of the other key elements of the design, Math Wings was implemented in grades 3, 4, and 5 during the 1995–96 school year. El Vista has a very strong Family Support Team, which has developed a wide variety of strategies for helping parents read to their children. The teachers at El Vista are very active in the development of specific classroom materials to enhance their implementation of Roots & Wings components.

Since 1992, achievement levels for all first graders have been tracked until the students finish third grade. Of the students tracked, only two were below grade level at the end of the third grade. Discipline problems are down and students are actively involved in the school and in each other's success. After only one year in Math Wings, total math scores on the California Test of Basic Skills (CTBS) had increased by 2.5 points among third graders, 6.2 points among fourth graders, and 8.6 points among fifth graders at the school.

NATIONAL ALLIANCE FOR RESTRUCTURING EDUCATION (NARE)

This partnership of schools, districts, states, and leading national organizations works to change the education system from classroom to statehouse through a five-point set of priorities. Known as ''design tasks,'' they are: standards and assessments, learning environments, high-performance management, community services and supports, and public engagement. The National Alliance provides extensive training and materials in each area.

Number of Schools: 218

Locations: Arkansas; Chicago; Kentucky; Pittsburgh and the Milton Hershey School, Hershey, Pennsylvania; Rochester and White Plains, New York; San Diego; Washington

For More Information: contact Zenette Duffy or Dr. Mary Anne Mays, (202) 783–3668; email: nareinfo@ncee.org; http://www.ncee.org/OurPrograms/narePage.html

John F. Kennedy Elementary School, Louisville, KY

Once known for all the wrong reasons, John F. Kennedy Elementary School has improved student performance remarkably over the past five years and has earned national acclaim for doing something right. Performance in reading and math tripled; performance in writing quadrupled; and scores in science and social studies were twice what they were. In 1996 the school's principal, who was once summoned to the superintendent's office to explain a high kindergarten failure rate, received the Milken Family Foundation Award.

JFK ELEMENTARY SCHOOL PROGRESS ON STATE ASSESSMENTS SINCE PARTICIPATING IN NARE

Subject	1991–92	1992–93	1993–94	1994–95
Reading	16	24	40	67
Math	11	13	53	61
Science	16	10	23	37
Social Studies	17	22	48	51
Writing	11	23	46	54

Teachers and parents credit the school's remarkable improvement to its commitment to ensuring that all children achieve at high levels and its relentless focus on student achievement. Jacqueline Austin, the school's principal, notes that National Alliance workshops and technical assistance have helped her improve her own ability to analyze student performance data and to focus the school's strategies on improving performance.

Kennedy Elementary is continuing its quest to reach its goal of ensuring that all students reach high standards of performance. This year, Austin and her staff are focusing on improving performance in reading and literacy by aligning its reading curriculum more closely to standards and concentrating its professional development resources on enabling teachers to use instructional strategies tied to standards for student performance.

Canyon Creek Elementary School, Bothell, WA

Canyon Creek Elementary School has attained what one parent calls ''a track record of success'' by maintaining an unswerving commitment to improving performance for all students, particularly the lowest performers, and doing whatever it takes to achieve the goals. And parents and members of the community feel that the school has succeeded, and that students are learning consistently.

Canyon Creek has also developed a discipline policy that has had a dramatic effect at the school and was chosen as exemplary by the district. Drawn up by a committee composed of parents and staff members, it states rights, rules, and consequences.

This years goal for performance-driven improvement was to increase by eight percent the number of students who read above the 80 percent mark and to decrease by 16 percent the number of children who were reading below the 25 percent level. In order to

measure progress, the school had to identify a new assessment instrument since the current assessment tested reading performance only in the fourth grade.

The Canyon Creek approach for this coming year is to institute a new calendar aimed at helping them reach their performance targets more efficiently and effectively. Under the calendar, students will be in school 4.5 days a week, and school will close early on Friday to permit time for teachers to plan together and develop professionally. This calendar shift was developed during a three-day retreat of parents and staff, and adopted by an 85 percent vote. It represents a typical effort by Canyon Creek to listen to the entire community, take risks, and involve everyone in decisions.

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

I want to tell the ranking member that I respect his views and would submit that perhaps this money, this $200 million in the bill for whole school reform, would still be better spent meeting the Federal obligation to provide special education services to children with learning disabilities.

I would also point out that perhaps, if we really did respect the idea of local control and decentralized decision-making in public education, perhaps if we have to spend the money, we are better off block-granting it back down to local communities.

But I do want to point out that through the bipartisan compromise we have worked out, we will be adding language down through the bill, through my en bloc amendment that says, and I think it is important for Members to hear this language, that such approaches, and we have changed whole school reform to mean comprehensive school reforms, we have changed the definitional language, and then we say provided that such approaches show the most promise of enabling children served by title I, the educationally disadvantaged children, to meet challenging State content standards and challenging State student performance standards, which shall include an emphasis on basic academics and parental involvement based on proven research and practices.

So I think it is important that we understand that we are stressing again State and local roles in determining how this money will be spent, and we feel that that is the best way to ensure proper accountability for the use of this $200 million in funding.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I want to thank my colleagues for helping to pull us all together today to resolve our differences. I want to thank particularly the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I think that their help in putting a resolution to those things that divided us was very important.

I appreciate their leadership and I appreciate that they proved one more time that it is important to put all the good ideas on the table; and that when we are talking about education, it is not about winning or losing, but trying to pull together some concept of what works and making sure that that is what we do.

I want to thank all members of the committee for their dedication to public schools. Regardless of whether we feel strongly about what other schools exist in this country, I believe that public schools will always be a critical part and a very important part of what the education picture is for all of the children in this country.

The gentleman from Wisconsin and I share the same objectives. All the things the gentleman said about education and about resolving the school crises that we have, I share the gentleman's vision of what makes those schools better. I could not agree more with the gentleman about his description of how schools succeed, and for that reason, I look forward to working together with this committee in the future to build strong and better public schools.

Mr. RIGGS. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

As an individual who has spoken out on this floor on this issue several times already in the course of this debate, I want to tell my colleagues that I believe the compromise that has been struck is indeed a very good one; and I compliment the ranking member and the chairman of the subcommittee and all who have been involved in it.

At least insofar as I understand the agreement which has been reached, I think it does a great deal of good. Let me just, if I might, make it clear what that understanding is by emphasizing what is important to me and then entering into a brief colloquy with the gentleman from California [Mr. RIGGS] and, hopefully, a brief colloquy with the gentleman from Wisconsin [Mr. OBEY].

Let me begin by saying, when the issue of Whole School Reform was raised by the language in this bill, that became a topic of concern for many of us and many of us spoke out on that topic. I want to make it clear that Whole School Reform, as it is set forth in the studies that the gentleman from Wisconsin has described, is not something I object to. My concern is that, as the bill was written and with its reference to the prior authorization which said the moneys had to be spent on Whole School Reform, what we were doing was federally mandating school reform only so long as it fit into the box of Whole School Reform, however that term is defined by those studies.

As I have listened to the gentleman from Wisconsin in this discussion and to the gentleman from California, I think the amendment that we have now agreed upon, striking the words ''Whole School Reform'' and instead inserting the definitional language which says that these moneys will be available for school reform standards or school reform programs which meet State content standards and State student performance standards with emphasis on basic academics and parental involvement, go a tremendous way toward resolving my concern that we were in fact doing top down.

I would have to agree with the gentlewoman from Kentucky [Mrs. NORTHUP]. I could not agree more with the description which the gentleman from Wisconsin just gave of the critical importance of allowing these decisions to be made right at the school level by parents, by teachers, by school administrators in their own schools. My concern with the language of the bill as it existed before this agreement was that we were saying they could do it, but only if they did it to fit into the box of Whole School Reform.

I listened to the gentleman from Wisconsin describe what he sees here, and he emphasizes local reform, and I am extremely pleased by that.

If I could ask the gentleman from California to join me in a discussion. Is it the gentleman's understanding of the language, which we are substituting into the bill as a result of this compromise, that it makes it clear that the school reforms which will qualify for these moneys includes school reforms created and designed at the local level and not necessarily having them meet any Federal definition of what is acceptable or not acceptable?

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

Mr. SHADEGG. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, that is my interpretation of my en bloc amendment. The fact that we have now added language saying that these funds must be spent, shall be spent to help children meet challenging State content standards and challenging State student performance standards will have the effect of bringing that Federal funding under State and local control.

It will certainly allow local discretion in terms of how those funds are spent pursuant to existing State education law, but provided that the funds are spent, again as I just mentioned, to promote student achievement, student accomplishment in the area of statewide educational standards.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, just to further clarify, the language does not impose any Federal standard or requirement that it must fit a particular Federal mold?

Mr. RIGGS. If the gentleman will continue to yield, that is my understanding, yes. And I understand the gentleman's concern is that we create these programs very often and they have the effect of enticing States to perhaps change their curriculum, change their educational program in order to gain access to Federal dollars.

What we have tried to do here is to make sure that the emphasis is again on State standards and State content

standards and State student performance standards.

Mr. SHADEGG. Mr. Chairman, once again reclaiming my time, I thank the gentleman for that clarification.

It had been my intent to offer an amendment to transfer the entire $200 million, which is the subject of this debate and of this appropriation, to the IDEA Program, because I do think that is an important program, and it is right now a partially unfunded mandate.

But, as crafted, I believe that this amendment on which we have struck a bipartisan compromise resolves my concerns, and I have no intention of offering that amendment, assuming that we have agreement.

I listened to the remarks of the gentleman from Wisconsin, in which again I agree with the gentleman wholeheartedly, that he believes we should enable school districts to reform how they do everything they do. I certainly agree with the gentleman on the issue of comprehensive reform. I do not think that it is reform to just bring in computers or just do one piece.

If I could just clarify that. It is the gentleman's understanding that this leaves these decisions to parents and teachers and administrators at the local level on how best to reform their school and improve education for their children?

□ 1530

Mr. OBEY. If the gentleman will yield, as the committee indicated in its report, as we have indicated in our press statements, as we have indicated in our Dear Colleague letters for the last 3 weeks, as I have indicated on seven previous occasions on the floor, and as I emphasize again now, this package simply provides Federal money so that local schools can examine all of the possibilities for improving the way they work in their own schools on a comprehensive basis so that they can do what I hope everybody believes in, which is to find a model which really does raise performance. There are a lot of people shopping models around this country who make a heck of a lot of money with ideas that do not produce any real change for kids. What we are trying to do is to help local schools to get some idea of what works and what does not. They are free to develop any idea they want, but it is our obligation after we have spent millions of dollars on research to help them understand what works and what does not so they can make their own decisions.

Mr. SHADEGG. I appreciate the clarification from the gentleman. I certainly agree with him. There ought to be an examination of the success or failure, and I am thrilled to hear that there will be no top-down Federal mandate on what these programs must include or not include.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I thank the distinguished ranking member for yielding me this time and again congratulate him and the gentleman from Illinois for working out this bill and this particular provision within the bill.

Let me say that I think that many of us have long ago gotten the idea that now certain Members on the other side are finally catching on to, is that nobody is trying to do anything except find a way to educate our children. We are not trying to have the Federal Government try to do it. We are trying to provide the resources so that communities can do it. This is about opportunity, the opportunity that exists within our public schools so that we can take the responsibility. People in the community, whether it is the business community, the colleges surrounding public education institutions, the teachers, whether they belong to unions, the administration and parents, to seize the responsibility to come together and do something that we all want to do.

I do not care personally whether we call it a charter school or whether we call it a whole school, whether we call it comprehensive school reform, whatever the semantics may be. The idea is that we are actually trying to get to the point that we can take a blank educational canvas and work together to develop the foundation for a school system, a public school system that is the one that we want.

This is happening in Salem, MA at a school called the Saltonstall School, and people often mistake it for a whole school or a charter school because it has all of those elements. The point I want to make is that it is a public school. We did not make that school better by creating a separate institution and a separate structure somewhere else and dividing the money and resources taking it out of the public school system and setting it aside. We did it by investing and providing resources so that that community at the local level in Salem could use the resources of Salem State College, the business community around Salem, the teachers from the teachers union sitting down and negotiating how they were going to go extra hours during the day and a longer period. It is the first public school in New England to be a year-round institution. It is working. They got together, they decided on a mission and they put it in writing. Whether you want to call it a charter or just call it an assessment or a standard, whatever it is, they put it in writing. Now they shoot for it. They decided what the mission of that school is going to be, and it happens to be math and science. They got parents involved, 140 volunteers every week in that school helping to work together. They decided how they were going to move forward as a group and as a community and they have done that. They have set those standards and they measure them year by year to see how they are doing against that. It is working. Achievement levels are increasing rapidly.

People in the middle school look forward to seeing these children come out of the Saltonstall School in fifth grade and come into the sixth grade because they know they are going to be ready. When you visit the school, the children are excited about learning. Their parents are excited about participating in the process, and the community knows that it has a good model there. When you go to somebody like Kathleen Corley, the principal of that school, who has had a tremendous amount of impact on the community by working with all those folks, and you ask what is the one reason why the city of Salem and other communities do not have public schools of the nature and quality of the Saltonstall School, her answer would be resources.

That is what we are able to do with this Federal program, provide the resources so that the local community can seize the public school opportunity, take the responsibility to work as a community and make the concept work, to raise the bar and raise the standard and provide the means for these students to have the opportunity. This program, $200 million, will give us the chance to broaden out what has already been shown to be successful in about 1,200 schools throughout this country and show everybody that this is the way to provide good, equal educational opportunity for the students in this country. It is through the public school system, it is not by walking away from them. It is by recognizing what works, celebrating what works, giving it the resources to be duplicated and making sure that we have the best educational infrastructure as an investment in our future.

Mr. RIGGS. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I would like to engage the gentleman from California [Mr. RIGGS] in a brief colloquy about the intent of this amendment. As the gentleman knows, originally the amendment was drafted, and I was a cosponsor of it, that took the $200 million from this whole school reform program and put the bulk of it into the block grant under chapter 2 but $15 million into a program to provide computers and $5 million into the Jacob Javits Program for gifted and talented students. I wanted to clarify that the new amendment, the new language that redefines the authorizing section for this program, that it is written, in my understanding, broad enough to include particularly the Jacob Javits Program for gifted and talented students or at least students who would be participating in that program who would also be eligible for title I, so that schools could use this money if they needed to increase their compliance to State standards and directed toward title I students for gifted and talented programs in which those students could participate.

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

Mr. McINTOSH. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, the first thing I would like to do is thank him for his help and support and his leadership on this amendment. He is absolutely correct. Under the original substitute, not the en bloc substitute that is pending here on the floor but under our original substitute, the gentleman is right, we would have redesignated $5 million of the $200 million for the Jacob Javits gifted and talented student program.

As to the gentleman's question, yes, it is my understanding that this money could be used for gifted and talented students, for a GATE Program, I believe is the acronym that you would normally use, at the local level, provided it is part of comprehensive school reform. But yes, if a child is gifted and talented and they also qualify under title I as educationally and socially disadvantaged, then they absolutely could be assisted under this program and the $200 million that has now been set aside in the bill to promote comprehensive school reform.

Mr. McINTOSH. Let me say that I would urge the department to implement this new approach in exactly that way, to give the schools as much leeway and to include, wherever possible, gifted and talented education programs, because it is my belief that the Department of Education programs should be helping schools meet special needs of their students, and in the same way that disabled students require additional funds, gifted and talented students often require programs that require additional funds. If not, we stand the risk of losing those students who become bored or disinterested in the educational program that is offered and they can, instead of turning out to be our brightest and best, they sometimes turn out to be among the worst members of society because they were never challenged with that type of program when they were young.

Mr. Chairman, referring to a report from the Yale Child Study Center, a School Development Program which was one of the three whole school reform programs that was originally mentioned in the legislation, there are some deep philosophical implications of moving to that type of approach. And so I am pleased that this Congress is holding back and not endorsing a whole school reform.

For example, this one says: We believe that ''it takes a whole village to raise a child.'' That has become a very controversial notion and stands in many people's minds for a very liberal way of administering school programs.

Then turning further into the document, it says that all the adult stakeholders agree to use a ''no-fault approach to solving problems.'' Many of us are worried that a ''no-fault approach to solving problems'' implies that there is not a right and wrong answer on a math test or a spelling test and that that is one of the deep problems that we are seeing in our educational program.

I would commend the author of that en bloc amendment and thank my colleagues on the opposite side of the aisle who reluctantly agreed to it and support this amendment.

Mr. Chairman, I include for the RECORD the Yale Child Study Center School Development Program.

YALE CHILD STUDY CENTER SCHOOL DEVELOPMENT PROGRAM

MISSION AND VISION OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program is committed to the total development of all children by creating learning environments that support children's physical, cognitive, psychological, language, social and ethical development.

Our vision is to help create a just and fair society in which all children have the educational and personal opportunities that will allow them to become successful and satisfied participants in family and civic life.

CORE BELIEFS OF THE SCHOOL DEVELOPMENT PROGRAM

We believe that ''it takes a whole village to raise a child,'' noting especially that: children's most meaningful learning occurs through positive and supportive relationships with caring and nurturing adults; parents are children's first teachers; all parents, and staff members, and community member, regardless of position, has an important contribution to make towards improving students' education; and in order to bring out the best in children, adults must interact more collaboratively and sensitively with each other on behalf of children.

We believe children: should be at the center of the educational enterprise; are capable of higher learning; learn through various pathways: physical, cognitive, psychological, language, social, and ethical; and who develop well learn well.

We believe that teachers: work in supportive environments which maximize their ability to teach and prepare students for life beyond school; and develop positive relationships with parents to make the necessary bonds for effective teaching and learning.

We believe school communities: must be structured to promote collaborative decision making in order to create a culture of inclusion; should promote learning as a lifelong process; should embrace cultural, linguistic and ethnic differences to enhance the educational process for all people; use data from all levels of the system—student, school, and district to inform educational policies and practices; should view change as an ongoing process guide by continuous constructive feedback; design curriculum, instruction and assessment to align with and promote child and community development and high content area standards; provide administrators with the support they need to lead and manage schools; and promote organizational synergy among school boards, educators, and parents.

A BRIEF HISTORY AND SUMMARY OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program (SDP) was established in 1968 in two elementary schools as a collaborative effort between the Yale University Child Study Center and the New Haven Public Schools. The two schools involved were the lowest achieving in the city, had poor attendance, and had serious relationship problems among students, staff, and parents. Staff morale was low. Parents were angry and distrustful of the schools. Hopelessness and despair were pervasive.

The Child Study Center staff—social worker, psychologist, special education teacher, and child psychiatrist—provided the traditional support services from these disciplines but focused more on understanding the underlying problems and how to correct them. Problems were identified on both sides—family stress and student underdevelopment in areas necessary for school success, as well as organizational, management and child development knowledge and skill needs on the part of the school staff.

Because of pre-school experiences in families under stress, a disproportionate number of low-income children presented themselves to the schools in ways that were understood as ''bad,'' under-motivated, and demonstrating low academic potential. The behavior, in fact, reflected underdevelopment, or else development that was appropriate on the playground, at home or other places outside of school, but inappropriate at school.

The school staffs lacked training in child development and behavior, and understood school achievement solely as a function of genetically determined intellectual ability and individual motivation. Because of this, the schools were ill-prepared to modify behavior or close the developmental gaps of their students. The staffs usually responded with punishment and low expectations. Such responses were understandable given the circumstances, but they usually led to more difficult staff-student interactions and, in turn, to difficult staff-parent and community interactions, staff frustration, and a lower level of performance by students, staff and parents.

Even when there was a desire to work differently, there was no mechanism at the building level to allow parents, teachers, and administrators first to understand the needs, then to collaborate with and help each other address them in an integrated, coordinated way. This led to blame-finding, fragmentation, duplication of efforts, and frustration. There was no sense of ownership and pride in the school. The kind of synergism that develops when people work together to address problems and opportunities could not exist.

The model took shape in response to the conditions in the schools. Dr. Comer and his colleagues, working collaboratively with parents and staff, gradually developed the current nine-component process model (3 mechanisms, 3 operations, and 3 guiding principles). In the first category is (1) a School Planning and Management Team representative of the parents, teachers, administrators and support staff; (2) a Student and Staff Support Team (formerly called the Mental Health Team); and (3) Parent Team.

The School Planning and Management Team carries out three critical operations: the development of a (4) Comprehensive School Plan with specific goals in improving school climate and academic areas; (5) staff development activities based on building-level goals in these areas; and (6) periodic assessment which allows the staff to modify the program to meet identified needs and opportunities.

Successful implementation of the School Development Program requires several important guiding principles and agreements. All the adult stakeholders agree to use (7) a ''no fault'' approach to solving problems. This allows school teams to use all their time and energy on problem solving. Many groups get bogged down and are unable to move forward because blame creates defensive behavior and conflict. When people use ''no fault,'' they can speak up without fear of attack or blame.

The School Development Program uses (8) consensus decision making rather than voting as the way to make decisions. Discussions keep the developmental needs of children in mind. One of the principal benefits of consensus decision making is that it minimizes ''winner-loser'' behavior and a variety of negative feelings that are common when decisions are made by voting.

Participants on the School Planning and Management Team (9) collaborate with the principal who is often the team's leader. Team members cannot paralyze the principal and on the other hand the principal cannot use the group as a ''rubber stamp.'' In some cases, a staff member rather than the principal serves as a leader of the governance and management team. When this happens, it is often after all involved have become comfortable with the process, but sometimes it occurs at the outset. This works when it is a genuine arrangement to promote leadership from within the staff, and not as an act of disengagement. With this arrangement, it is important for the principal to be present and fully involved both in meetings and in facilitating the process. These nine components, developed in the 1968–69 school year, continue to make up the essential elements of the School Development Program.

A BRIEF SUMMARY OF SCHOOL DEVELOPMENT PROGRAM EFFECTS

Past efforts to document the effects of the School Development Program have been consistent with our philosophy that educational improvement embodies academic as well as personal and social growth. To document the effects, a combination of three research strategies are used: (1) quantitative (e.g., Surveys), (2) qualitative (e.g., our ethnographic protocols), and (3) theory development. These strategies have been employed to document academic effects, behavior and school adjustment effects, self-concept, and our school climate.

Studies conducted by the School Development Program and other researchers provide evidence of significant SDP effects on school climate, student attendance, and student achievement. SDP effects are usually first manifested in the improvement of the school climate, indicated by improved relationships among the adults in the school, better collaboration among staff members, and greater focus on the child as the center of the education process. Research showed that schools in which the SDP guiding principles (''no fault'' problem solving, consensus decision making and collaboration) were followed consistently, there was a significantly greater decline in absenteeism and suspension rates compared to the district as a whole. Comparative studies of SDP and non-SDP schools reported significantly higher self competence, self-concept, and achievement for SDP students than for non-SDP students.

Qualitative analyses of more than 130 interviews of parents, students, teachers, principals, and other school personnel from ten schools indicated (a) improved parental and community involvement, (b) strong, positive climate, (c) increased team work and greater coordination, (d) greater focus on child-centered issues for comprehensive school planning, and (e) greater top-down and bottom-up management. These analyses also showed that the Student and Staff Support Teams (formerly called Mental Health Teams) focused primarily on prevention rather than crisis management. These teams established stronger linkages between schools and communities in order to better facilitate services to students. The three SDP structures (School Planning and Management Team, Student and Staff Support Team and the Parent Team) and the three guiding principles served as vehicles for bringing the school and community together to resolve conflicts and reach solutions.

WELCOME TO THE HOME OF SUCCESS FOR ALL™ AND ROOTS & WINGS™

(By Johns Hopkins University)

Success For All™ (SFA) and Roots & Wings™ are comprehensive school restructuring programs for students in grades Pre–K to Six.

The idea behind the SFA™ program is to organize resources to focus on prevention and early intervention, to ensure that virtually every student will succeed in reading throughout the elementary grades—and no student will be allowed to ''fall between the cracks.'' This highly successful model is currently in use in 750 schools in 37 states.

The goal of Roots & Wings™ is to ensure every child a firm foundation in the knowledge and skills needed to succeed in today's world, and to go far beyond this to higher-order learning and integration of knowledge.

Roots refers to strategies designed to ensure that every child meets world class standards—effective instructional programs in reading, writing, and language arts; tutoring for children struggling with reading; integrated health, mental health, and social services; and family support. These elements are based on Success for All™.

Wings refers to improvements in curriculum and instruction designed to let children soar. A key component of Wings is a science and social studies program called WorldLab™, which includes a set of simulations in which students will be able to apply knowledge and skills in flexible, creative, and integrated ways to solve problems. Children in WorldLab™ design and test efficient vehicles, explore African culture and agriculture, write a new U.S. Constitution, or investigate sources of pollution in local waterways.

MathWings™, based on NCTM standards, provides practical constructivist approaches to math emphasizing cooperative learning, complex problem solving, games, and discovery.

SUCCESS FOR ALL™

Tutors

In grades 1–3, specially trained, certified teachers work one-on-one with any students who are failing to keep up with their classmates in reading. First grade students have priority for tutoring.

Eight-week assessments

Students in grades 1–5 are assessed every eight weeks to determine whether they are making adequate progress in reading. This information is used to assign students to tutoring, to suggest alternative teaching strategies in the regular classroom, and to make changes in reading group placement, family support interventions, or other means of meeting students' needs. The school facilitator coordinates this process with the active involvement of teachers in grade-level teams.

Early learning (preschool and kindergarten)

Whenever possible, a half-day preschool program is provided for all four-year-olds. The program emphasizes language development, readiness, and positive self-concept. A full-day kindergarten program continues the emphasis on language, using children's literature and big books, as well as oral and written composition, activities promoting the development of concepts about print, alphabet games, and math concept development. Peabody Language Development Kits are used to provide additional experience in language.

Reading and writing programs

During reading periods, students are regrouped across age lines for 90 minutes so that each reading class contains students reading at one level. This eliminates the need to have reading groups within the class and increases the amount of time for direct instruction. Also, use of tutors as reading teachers during reading time reduces the size of most reading classes. The reaching program in grades K–1 emphasizes the development of language skills and launches students into reading using phonetically regular storybooks supported by careful instruction that focuses on phonemic awareness, auditory discrimination, and sound blending as well as meaning, context, and self-monitoring strategies. Students become fluent as they read and reread to one another in pairs.

At the second through fifth grade levels, students use school or district selected reading materials, basals, and/or trade books in a carefully structured set of interactive opportunities to read, discuss, and write. This program emphasizes cooperative learning activities built around partner reading, identification of characters, settings, and problem solutions in narratives, story summarization, writing, and direct instruction in reading comprehension skills. At all levels, students read books of their choice for twenty minutes each evening as homework. Classroom libraries of books are developed for this purpose. For schools with Spanish bilingual programs, Success For All™ provides a Spanish reading curriculum, Exito ParaTodos, in grades 1–5.

Writing is emphasized throughout the grades. Writing instruction uses a writer's workshop format in which students plan, draft, revise, edit, and publish compositions with feedback at each stage from teachers and peers.

Cooperative learning

Cooperative learning is the vehicle that drives the Success For All™ curriculum. Students work together in partnerships and teams, helping one another to become strategic readers and writers. Emphasis is placed on individual accountability, common goals, and recognition of group success.

Family support team

The family support team works with parents in ensuring the success of their children. The team focuses on promoting parent involvement, developing plans to meet the needs of individual students having difficulty, implementing attendance plans, and integrating community and school resources. The team is composed of the principal or assistant principal, facilitator, social worker, and other personnel.

Facilitator

A full-time facilitator works with teachers in each Success For All™ school to help them implement the reading program. In addition, the facilitator coordinates eight-week assessments, assists the Family Support Team, facilitates staff support teams, plans and implements staff development, and helps all teachers make certain that every child is making adequate progress.

Staff support teams

Teachers in the Success For All™ program support one another through the training and implementation process in coaching partnerships, grade level teams, and other staff team configurations. These teams become a catalyst for the dissemination of new material, goal setting, and problem solving, and they provide a supportive forum for discussion around new instructional strategies.

Professional development

Professional development for Success For All™ requires three days for all teachers before the program begins. Success For All™ consultants return to the school for three two-day visits during the school year to

work with principal, facilitators, and teachers to build a strong implementation. Success For All™ facilitators are available for telephone consultation during the year. Building facilitators follow up on initial training with classroom visits, coaching, and team meetings.

FOR ALL/ROOTS & WINGS℠ FREQUENTLY ASKED QUESTIONS

Where is the program used?
What are the results?
What are the costs?
How do schools adopt Success for All™?
Where can I get more information?

Where is the program used?

As of the 1996–97 school year, Success For All™ is being implemented in more than 473 schools in over 126 districts in more than 37 states in all parts of the United States.

What are the results?

Success For All™ has been evaluated in several school districts. In each, matched Success For All™ and control schools have been compared on individually administered reading scales and other measures. The results have consistently favored Success For All™. In average grade equivalents, Success For All™ students perform approximately three months ahead of comparison students by the first grade, and more than a year ahead by fifth grade. Effects are particularly strong for students who are most at risk, those in the lowest 25% of their grades. Effects of the Spanish version of Success For All™, Lee Conmigo, have also been strong. Positive effects have also been found on district-administered standardized tests. Success For All™ has produced substantial reductions in retentions and special education referrals and placements.

What are the costs?

Cost is based on the size and location of the individual school, and number of schools collaborating in training. Sample costs for a school of about 500 students in Pre-kindergarten through fifth grade range from $45,000 to $58,000 for Year 1; $45,000 to $52,000 for Year 2; and $45,000 to $52,000 for Year 3. (Add approximately $55 for each student over 500.) These estimates include training, materials, follow-up visits, and other services. Actual costs will vary for different situations, depending in part on distances from training centers and local capacity to provide some training and follow-up and will be calculated for the individual school. (For more information see Considerations for Adoption)

How do schools adopt Success For All™?

We encourage district and school staff to review program materials, view video tapes, and visit nearby Success For All™ sites. Schools must apply to become a Success For All™ or Roots & Wings school. The application process insures that the school staff are aware of the elements of the program, have the resources to implement the program successfully, and agree as a staff to make the commitment to implement the program. A positive vote of 80% or more of all teachers is required.

Where can I get more information?

For awareness materials or information on training, school visits, or other assistance, contact us at: Success For All™ Program, Johns Hopkins University, 3505 N. Charles St., Baltimore, MD 21218, Phone: 410–516–8896 (in Maryland), or 1–800–548–4998, fax us at: 410–516–8890, or you can browse our Web site.

SUCCESS FOR ALL/ROOTS AND WINGS SUMMARY OF RESEARCH ON ACHIEVEMENT OUTCOMES

(By Robert E. Slavin, Nancy A. Madden, and Barbara A. Wasik)

Ms. Martin's kindergarten class has some of the brightest, happiest, friendliest, and most optimistic kids you'll ever meet. Students in her class are glad to be in school, proud of their accomplishments, certain that they will succeed at whatever the school has to offer. Every one of them is a natural scientist, a storyteller, a creative thinker, a curious seeker of knowledge. Ms. Martin's class could be anywhere—in suburb or ghetto, small town or barrio—it doesn't matter. Kindergartners everywhere are just as bright, enthusiastic and confident as her kids are.

Only a few years from now, many of these same children will have lost the spark they all started with. Some will have failed a grade. Some will be in special education. Some will be in long-term remediation, such as Title I or other remedial programs. Some will be bored or anxious or unmotivated. Many will see school as a chore rather than a pleasure and will no longer expect to excel. In a very brief span of time, Ms. Martin's children will have defined themselves as successes or failures in school. All too often, only a few will still have a sense of excitement and positive self-expectations about learning. We cannot predict very well which of Ms. Martin's students will succeed and which will fail, but we can predict—based on the past—that if nothing changes, far too many will fail. This is especially true if Ms. Martin's kindergarten happens to be located in a high-poverty neighborhood, in which there are typically fewer resources in the school to provide top-quality instruction to every child, fewer forms of rescue if children run into academic difficulties, and fewer supports for learning at home. Preventable failures occur in all schools, but in high poverty schools failure can be endemic, so widespread that it makes it difficult to treat each child at risk of failure as a person of value in need of emergency assistance to get back on track. Instead, many such schools do their best to provide the greatest benefit to the greatest number of children possible, but have an unfortunately well-founded expectation that a certain percentage of students will fall by the wayside during the elementary years.

Any discussion of school reform should begin with Ms. Martin's kindergartners. The first goal of reform should be to ensure that every child—regardless of home background, home language, or learning style—achieves the success that he or she so confidently expected in kindergarten, that all children maintain their motivation, enthusiasm, and optimism because they are objectively succeeding at the school's tasks. Any reform that does less than this is hollow and self-defeating. What does it mean to succeed in the early grades? The elementary schools' definition of success, and therefore the parents' and children's definition as well, is overwhelmingly success in reading. Very few children who are reading adequately are retained. assigned to special education, or given long-term remedial services. Other subjects are important, of course, but reading and language arts form the core of what school success means in the early grades.

When a child fails to read well in the early grades, he or she begins a downward progression. In first grade, some children begin to notice that they are not reading adequately. They may fail first grade or be assigned to long term remediation. As they proceed through the elementary grades, many students begin to see that they are failing at their full-time jobs. When this happens, things begin to unravel. Failing students begin to have poor motivation and poor self-expectations, which lead to continued poor achievement, in a declining spiral that ultimately leads to despair, delinquency, and dropout.

Remediating learning deficits after they are already well established is extremely difficult. Children who have already failed to learn to read, for example, are now anxious about reading, and doubt their ability to learn it. Their motivation to read may be low. They may ultimately learn to read but it will always be a chore, not a pleasure. Clearly, the time to provide additional help to children who are at risk is early, when children are still motivated and confident and when any learning deficits are relatively small and remediable. The most important goal in educational programming for students at risk of school failure is to try to make certain that we do not squander the greatest resource we have—the enthusiasm and positive self-expectations of young children themselves.

In practical terms, what this perspective implies is that schools, and especially Title I, special education, and other services for at-risk children, must be shifted from an emphasis on remediation to an emphasis on prevention and early intervention. Prevention means providing developmentally appropriate preschool and kindergarten programs so that students will enter first grade ready to succeed, and it means providing regular classroom teachers with effective instructional programs, curricula, and professional development to enable them to see that most students are successful the first time they are taught. Early intervention means that supplementary instructional services are provided early in students' schooling and that they are intensive enough to bring at-risk students quickly to a level at which they can profit from good quality classroom instruction.

The purpose of this report is to describe the current state of research on the achievement outcomes of Success for All, a program built around the idea that every child can and must succeed in the early grades, no matter what this takes. The idea behind Success for All is to use everything we know about effective instruction for students at risk to direct all aspects of school and classroom organization toward the goal of preventing academic deficits from appearing in the first place; recognizing and intensively intervening with any deficits that do appear; and providing students with a rich and full curriculum to enable them to build on their firm foundation in basic skills. The commitment of Success for All is to do whatever it takes to see that all children become skilled, strategic, and enthusiastic readers as they progress through the elementary grades. In addition, this report describes research on Roots and Wings, a program that adds to Success for All programs in mathematics, science, and social studies (Slavin, Madden, & Wasik, 1996).

PROGRAM DESCRIPTION

Success for All

Success for All exists as a separate program and also serves as the reading/writing/language arts component for Roots and Wings. Success for All is built around the assumption that every child can read. We mean this not as wishful thinking or as a philosophical statement, but as a practical, attainable reality. In particular, every child without organic retardation can learn to read. Some children need more help than others and may need different approaches than those needed by others, but one way or another every child can become a successful reader.

Success for All began in one Baltimore elementary school in 1987–1988, and since then has expanded each year of additional schools. As of Fall, 1996, it is in about 450 schools in 120 districts in 31 states throughout the United States. The districts range from some of the largest in the country, such as Baltimore, Houston, Memphis, Philadelphia, Cincinnati, Cleveland, Chicago, New York, and

Miami, to such middle-sized districts as Richmond, Virginia; Rockford, Illinois; and Modesto and Riverside, California, to tiny rural districts, including two on the Navajo reservation in Arizona. Success for All reading curricula in Spanish have been developed and researched and are used in bilingual programs in California, Texas, Arizona, Florida, Illinois, New York, New Jersey, and Philadelphia. Almost all Success for All schools are high-poverty title I schools, and the great majority are schoolwide projects. Otherwise, the schools vary widely.

Success for All and Roots and Wings have somewhat different components at different sites, depending on the school's needs and resources available to implement the program (Slavin et al., 1996b). However, there is a common set of elements characteristic of all Success for All and Roots and Wings schools. These are described on the following pages.

Reading Program

Sucess for All and Roots and Wings use a reading curriculum based on research, on effective practices in beginning reading (e.g., Adams, 1990), and on effective use of cooperative learning (Slavin, 1995; Stevens, Madden, Slavin, & Farnish, 1987).

Reading teachers at every grade level begin the reading time by reading children's literature to students and engaging them in a discussion of the story to enhance their understanding of the story, listening and speaking vocabulary, and knowledge of story structure. In kindergarten and first grade, the program emphasizes the development of oral language and pre-reading skills through the use of thematically-based units which incorporate areas such as language arts and writing under a science or social studies topic. A component called Story Telling and Retelling (STaR) involves the students in listening to, retelling, and dramatizing children's literature. Big books as well as oral and written composing activities allow students to develop concepts of print as they develop knowledge of story structure. There is also a strong emphasis on phonemic awareness activities which help develop auditory discrimination and support the development of reading readiness strategies.

Reading Roots is typically introduced in the second semester of kindergarten or in first grade. This K–1 beginning reading program uses as its base a series of phonetically regular but meaningful and interesting minibooks and emphasizes repeated oral reading to partners as well as to the teacher. The minibooks begin with a set of ''shared stories,'' in which part of a story is written in small type (read by the teacher) and part is written in large type (read by the students). The student portion uses a phonetically controlled vocabulary. Taken together, the teacher and student portions create interesting, worthwhile stories. Over time, the teacher portion diminishes and the student portion lengthens, until students are reading the entire book. This scaffolding allows students to read interesting literature when they only have a few letter sounds. Letters and letter sounds are introduced in an active, engaging set of activities that begins with oral language and moves into written symbols. Individual sounds are integrated into a context of words, sentences, and stories. Instruction is provided in story structure, specific comprehension skills, metacognitive strategies for self-assessment and self-correction, and integration of reading and writing.

Spanish bilingual programs use an adaptation of Reading Roots called Lee Conmigo (''Read With Me''). Lee Conmigo employs the same instructional strategies as Reading Roots, but uses Spanish reading materials.

When students reach the primer reading level, they use a program called Reading Wings, an adaptation of Cooperative Integrated Reading and Composition (CIRC) (Stevens, Madden, Slavin, & Farnish, 1987). Reading Wings uses cooperative learning activities built around story structure, prediction, summarization, vocabulary building, decoding practice, and story-related writing. Students engage in partner reading and structured discussion of stories or novels, and work toward mastery of the vocabulary and content of the story in teams. Story-related writing is also shared within teams. Cooperative learning both increases students' motivation and engages students in cognitive activities known to contribute to reading comprehension, such as elaboration, summarization, and rephrasing (see Slavin, 1995). Research on CIRC has found it to significantly increase students' reading comprehension and language skills (Stevens et al., 1987).

In addition to these story-related activities, teachers provide direct instruction in reading comprehension skills, and students practice these skills in their teams. Classroom libraries of trade books at students' reading levels are provided for each teacher, and students read books of their choice for homework for 20 minutes each night. Home readings are shared via presentations, summaries, puppet shows, and other formats twice a week during ''book club'' sessions.

Materials to support Reading Wings through the sixth grade (or beyond) exist in English and Spanish. The English materials are built around children's literature and around the most widely used basal series and anthologies. Supportive materials have been developed for more than 100 children's novels and for most current basal series. Spanish materials are similarly built around Spanish-language novels and basals.

Beginning in the second semester of program implementation, Success for All and Roots and Wings schools usually implement a writing/language arts program based primarily on cooperative learning principles (see Slavin, Madden, & Stevens, 1989/90).

Students in grades one to three (and sometimes 4 to 5 or 6) are regrouped for reading. The students are assigned to heterogeneous, age-grouped classes most of the day, but during a regular 90-minute reading period they are regrouped by reading performance levels into reading classes of students all at the same level. For example, a 2–1 reading class might contain first-, second-, and third-grade students all reading at the same level. The reading classes are smaller than home rooms because tutors and other certified staff (such as librarians or art teachers) teach reading during this common reading period. Regrouping allows teachers to teach the whole reading class without having to break the class into reading groups. This greatly reduces the time spent in seatwork and increases direct instruction time, eliminating workbooks, dittos, or other follow-up activities which are needed in classes that have multiple reading groups. The regrouping is a form of the Joplin Plan, which has been found to increase reading achievement in the elementary grades (Slavin, 1987).

Eight-Week Reading Assessments

At eight-week intervals, reading teachers assess student progress through the reading program. The results of the assessments are used to determine who is to receive tutoring, to change students' reading groups, to suggest other adaptations in students' programs, and to identify students who need other types of assistance, such as family interventions or screening for vision and hearing problems. The assessments are curriculum-based measures that include teacher observations and judgments as well as more formal measures of reading comprehension.

Reading Tutors

One of the most important elements of Success for All and Roots and Wings is the use of tutors to promote students' success in reading. One-to-one tutoring is the most effective form of instruction known (see Wasik & Slavin, 1993). The tutors are certified teachers with experience teaching Title I, special education, and/or primary reading. Often, well-qualified paraprofessionals also tutor children with less severe reading problems. In this case, a certified tutor monitors their work and assists with the diagnostic assessment and intervention strategies. Tutors work one-on-one with students who are having difficulties keeping up with their reading groups. The tutoring occurs in 20-minute sessions during times other than reading or math periods.

In general, tutors support students' success in the regular reading curriculum, rather than teaching different objectives. For example, the tutor will work with a student on the same story and concepts being read and taught in the regular reading class. However, tutors seek to identify learning problems and use different strategies to teach the same skills. They also teach metacognitive skills beyond those taught in the classroom program. Schools may have as many as six or more teachers serving as tutors depending on school size, need for tutoring, and other factors.

During daily 90-minute reading periods, certified tutors serve as additional reading teachers to reduce class size for reading. Reading teachers and tutors use brief forms to communicate about students' specific problems and needs and meet at regular times to coordinate their approaches with individual children.

Initial decisions about reading group placement and the need for tutoring are based on informal reading inventories that the tutors give to each child. Subsequent reading group placements and tutoring assignments are made using the curriculum-based assessments described above. First-graders receive priority for tutoring, on the assumption that the primary function of the tutors is to help all students be successful in reading the first time, before they fail and become remedial readers.

Preschool and Kindergarten

Most Success for All and Roots and Wings schools provide a half-day preschool and/or a full-day kindergarten for eligible students. The preschool and kindergarten programs focus on providing a balanced and developmentally appropriate learning experience for young children. The curriculum emphasizes the development and use of language. It provides a balance of academic readiness and non-academic music, art, and movement activities in a series of thematic, interdisciplinary units. Readiness activities include use of the Peabody Language Development Kits and Story Telling and Retelling (STaR) in which students retell stories read by the teachers. Pre-reading activities begin during the second semester of kindergarten.

Family Support Team

Parents are an essential part of the formula for success in Success for All and Roots and Wings. A Family Support Team works in each school, serving to make families feel respected and welcome in the school and become active supporters of their child's education as well as providing specific services. The Family Support Team consists of the Title I parent liaison, vice-principal (if any), counselor (if any), facilitator, and any other appropriate staff already present in the school or added to the school staff.

The Family Support Team first works toward good relations with parents and to increase involvement in the schools. Family

Support Team members may complete ''welcome'' visits for new families. They organize many attractive programs in the school, such as parenting skills workshops. Most schools use a program called ''Raising Readers'' in which parents are given strategies to use in reading with their own children.

The Family Support Team also intervenes to solve problems. For example, they may contact parents whose children are frequently absent to see what resources can be provided to assist the family in getting their child to school. Family support staff, teachers, and parents work together to solve school behavior problems. Also, family support staff are called on to provide assistance when students seem to be working at less than their full potential because of problems at home. Families of students who are not receiving adequate sleep or nutrition, need glasses, are not attending school regularly, or are exhibiting serious behavior problems, may receive family support assistance.

The Family Support Team is strongly integrated into the academic program of the school. It receives referrals from teachers and tutors regarding children who are not making adequate academic progress, and thereby constitutes an additional stage of intervention for students in need above and beyond that provided by the classroom teacher or tutor. The Family Support Team also encourages and trains the parents to fulfill numerous volunteer roles within the school, ranging from providing a listening ear to emerging readers to helping in the school cafeteria.

Program Facilitator

A program facilitator works at each school to oversee (with the principal) the operation of the Success for All and Roots and Wings models. The facilitator helps plan the program, helps the principal with scheduling, and visits classes and tutoring sessions frequently to help teachers and tutors with individual problems. He or she works directly with the teachers on implementation of the curriculum, classroom management, and other issues, helps teachers and tutors deal with any behavior problems or other special problems, and coordinates the activities of the Family Support Team with those of the instruction staff.

Teachers and Teacher Training

The teachers and tutors are regular certified teachers. They receive detailed teacher's manuals supplemented by three days of inservice at the beginning of the school year. In Roots and Wings schools, this level of inservice continues over a three-year period as the main program elements are phased in.

Throughout the year, follow-up visits are made to the school by project staff, who visit classrooms, meet with school staff, and conduct inservice presentations on such topics as classroom management, instructional pace, and cooperative learning. Facilitators also organize many informal sessions to allow teachers to share problems and problem solutions, suggest changes, and discuss individual children. The staff development model used in Success for All and Roots and Wings emphasizes relatively brief initial training with extensive classroom follow-up, coaching, and group discussion.

Advisory Committee

An advisory committee composed of the building principal, program facilitator, teacher representatives, parent representatives, and family support staff meets regularly to review the progress of the program and to identify and solve any problems that arise. In most schools existing site-based management teams are adapted to fulfill this function. In addition, grade-level teams and the Family Support Team meet regularly to discuss common problems and solutions and to make decisions in their areas of responsibility.

Special Education

Every effort is made to deal with student's learning problems within the context of the regular classroom, as supplemented by tutors. Tutors evaluate student's strengths and weaknesses and develop strategies to teach in the most effective way. In some schools, special education teachers work as tutors and reading teachers with students identified as learning disabled as well as other students experiencing learning problems who are at risk for special education placement. One major goal of Success for All and Roots and Wings is to keep students with learning problems out of special education if at all possible, and to serve any students who qualify for special education in a way that does not disrupt their regular classroom experience (see Slavin, Madden, Karweit, Dolan, Wasik, Shaw, Mainzer, & Haxby, 1991).

Roots and Wings

Roots and Wings (Slavin, Madden, Dolan, & Wasik, 1994; Slavin, Madden, & Wasik, 1996) is a comprehensive reform design for elementary schools that adds to Success for All innovative programs in mathematics, social studies, and science.

Roots and Wings schools begin by implementing all components of Success for All, described above. In the second year of implementation they typically begin to incorporate the additional major components. MathWings is the name of the mathematics program used in grades 1–5. It is a constructivist approach to mathematics based on NCTM standards, but designed to be practical and effective in schools serving many students placed at risk. MathWings makes extensive use of cooperative learning, games, discovery, creative problem solving, manipulatives, and calculators.

WorldLab is an integrated approach to social studies and science that engages students in simulations and group investigations. Students take on roles as various people in history, in different parts of the world, or in various occupations. For example, they work as engineers to design and test efficient vehicles, they form a state legislature to enact environmental legislation, they repeat Benjamin Franklin's experiments, and they solve problems of agriculture in Africa. In each activity students work in cooperative groups, do extensive writing, and use reading, mathematics, and fine arts skills learned in other parts of the program.

As of Fall 1996, approximately sixty schools in fifteen states are adding either MathWings or WorldLab to their implementations of Success for All, making themselves into Roots and Wings schools. Demonstration sites for the program are being established in many parts of the United States.

Research on Success for All and Roots and Wings

From the very beginning, there has been a strong focus in Success for All on research and evaluation. We began longitudinal evaluations of the program in its earliest sites, six schools in Baltimore and Philadelphia. Later, third-party evaluators at the University of Memphis—Steven Ross, Lana Smith, and their colleagues—added evaluations in Memphis, Houston, Tucson, Montgomery, Alabama, Ft. Wayne, Indiana, and Caldwell, Idaho. Most recently, studies focusing on English language learners in California have been conducted in Modesto and Riverside by the Southwest Regional Laboratory. Each of these evaluations has compared Success for All schools to matched comparison schools on measures of reading performance, starting with cohorts in kindergarten or in first grade and continuing to follow these students as long as possible (details of the evaluations design appear below). Vaguaries of funding and other local problems have ended some evaluations prematurely, but most have been able to follow Success for All schools for many years. As of this writing, there are seven years of continuous data from the six original schools in Baltimore and Philadelphia, and varying numbers of years of data from seven other districts, a total of twenty-three schools (and their matched control schools). Information on these schools and districts is shown in Table 1.

TABLE 1. CHARACTERISTICS OF SUCCESS FOR ALL SCHOOLS IN THE LONGITUDINAL STUDY

District/school	Enrollment	Percent free lunch	Ethnicity by percent	Date began SFA	Data collected	Pre-school?	Full-day K?	Comments
Baltimore:								
B1	500	83	B–96 W–4	1987	88–94	yes	yes	First SFA school; had additional funds first 2 years.
B2	500	96	B–100	1988	89–94	some	yes	Had additional funds first 4 years.
B3	400	96	B–100	1988	89–94	some	yes	
B4	500	85	B–100	1988	89–94	some	yes	
B5	650	96	B–100	1988	89–94	some	yes	
Philadelphia:								
P1	620	96	A–60 W–2 B–20	1988	89–94	no	yes	Large ESL program for Cambodian children.
P2	600	97	B–100	1991	92–93	some	yes	
P3	570	96	B–100	1991	92–93	no	yes	
P4	840	98	B–100	1991	93	no	yes	
P5	700	98	L–100	1992	93–94	no	yes	Study only involves students in Spanish bilingual program.
Charleston, SC:								
CS1	500	40	B–60 W–40	1990	91–92	no	no	
Memphis, TN:								
MT1	350	90	B–95 W–5	1990	91–94	yes	no	Program implemented only in grades K–2.
MT2	530	90	B–100	1993	94	yes	yes	
MT3	290	86	B–100	1993	94	yes	yes	
MT4	370	90	B–100	1993	94	yes	yes	
Ft. Wayne, IN:								
F1	330	65	B–56 W–44	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
F2	250	55	B–55 W–45	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
Montgomery, AL:								
MA1	450	95	B–100	1991	93–94	no	yes	

TABLE 1. CHARACTERISTICS OF SUCCESS FOR ALL SCHOOLS IN THE LONGITUDINAL STUDY—Continued

District/school	Enrollment	Percent free lunch	Ethnicity by percent	Date began SFA	Data collected	Pre-school?	Full-day K?	Comments
MA2	460	97	B–100	1991	93–94	no	yes	
Caldwell, ID:								
CI1	400	20	W–80 L–20	1991	93–94	no	no	Study compares 2 SFA schools to Reading Recovery school.
Modesto, CA:								
MC1	640	70	W–54 L–25 A–17 B–4	1992	94	yes	no	Large ESL program for students speaking 17 languages.
MC2	560	98	L–66 W–24 A–10	1992	94	yes	no	Large Spanish bilingual program.
Riverside, CA:								
R1	930	73	L–54 W–33 B–10	1992	94	yes	no	Large Spanish bilingual & ESL programs; year-round school.

Key: B—African American; L—Latino; A-Asian American; W—White.

Evaluation Design

A common evaluation design, with variations due to local circumstances, has been used in all Success for All evaluations. Every Success for All school involved in a formal evaluation is matched with a control school that is similar in poverty level (percent of students qualifying for free lunch), historical achievement level, ethnicity, and other factors. Schools are also matched on district-administered standardized test scores given in kindergarten or (starting in 1991 in six districts) on Peabody Picture Vocabulary Test (PPVT) scores given by the project in the fall of kindergarten or first grade. The measures used in the evaluations were as follows:

Woodcock Reading Mastery Test.—Three Woodcock scales—Word Identification, Word Attack, and Passage Comprehension—were individually administered to students by trained testers. Word Identification assesses recognition of common sight words, Word Attack assesses phonetic synthesis skills, and Passage Comprehension assesses comprehension in context. Students in Spanish bilingual programs were given the Spanish versions of these scales.

Durrell Analysis of Reading Difficulty.—The Durrell Oral Reading scale was also individually administered to students in grades 1–3. It presents a series of graded reading passages which students read aloud, followed by comprehension questions.

Gray Oral Reading Test.—Comprehension and passage scores from the Gray Oral Reading Test were obtained from students in grades 4–5.

Analyses of covariance with pretests as covariates were used to compare raw scores in all evaluations, and separate analyses were conducted for students in general and for students in the lowest 25% of their grades.

The figures presented in this report summarize student performance in grade equivalents (adjusted for covariates) and effect size (proportion of a standard deviation separating the experimental and control groups), averaging across individual measures. Neither grade equivalents nor averaged scores were used in the analyses, but they are presented here as a useful summary.

Each of the evaluations summarized in this report follows children who began in Success for All in first grade or earlier, in comparison to children who had attended the control school over the same period. Students who start in it after first grade are not considered to have received the full treatment (although they are of course served within the schools).

Results for all experimental-control comparisons in all evaluation years are averaged and summarized in the following graph entitled ''Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994'' using a method called multi-site replicated experiment (Slavin et al., 1996a,b; Slavin & Madden, 1993).

For more details on methods and findings, see Slavin et al. (1996a,b) and the full site reports.

Reading Outcomes

The results of the multi-site replicated experiment evaluating Success for All are summarized in the following graph entitled ''Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994'' for each grade level, 1–5. The analyses compare cohort means for experimental and control schools; for example the Grade 1 graph compares 55 experimental to 55 control cohorts, with cohort (50–150 students) as the unit of analysis. In other words, each bar is a mean of scores from more than 5000 students. Grade equivalents are based on the means, and are only presented for their informational value. No analyses were done using grade equivalents.

Statistically significantly (p=.05 or better) positive effects of Success for All (compared to controls) were found on every measure at every grade level, 1–5. For students in general, effect sizes averaged around a half standard deviation at all grade levels. Effects were somewhat higher than this for the Woodcock Word Attack scale in grades 1 and 2, but in grades 3–5 effect sizes were more or less equivalent on all aspects of reading. Consistently, effect sizes for students in the lowest 25% of their grades were particularly positive, ranging from ES=+1.03 in first grades to ES=+1.68 in fourth grade. Again, cohort-level analyses found statistically significant differences favoring low achievers in Success for All on every measure at every grade level.

Roots and Wings

A study of Roots and Wings (Slavin, Madden, & Wasik, 1996) was carried out in four pilot schools in rural southern Maryland. The Roots and Wings schools serve populations that are significantly more disadvantaged than state averages. They average 48% free and reduced-price lunch eligibility, compared to 30% for the state; 21% of Roots and Wings students are Title I eligible, in comparison to 7% for the state. The assessment tracked growth over time on the Maryland School Performance Assessment Program (MSPAP), compared to growth in the state as a whole. The MSPAP is a performance measure on which students are asked to solve complex problems, set up experiments, write in various genres, and read extended text. It uses matrix sampling, which means that different students take different forms of the test.

In both third- and fifth-grade assessments in all subjects tested (reading, language, writing, math, science, and social studies), Roots and Wings students showed substantial growth, as shown in the following graphs.*

The State of Maryland gained in average performance on the MSPAP over the same time period, but the number of Roots and Wings students achieving at satisfactory or excellent increased by more than twice the state's rate on every measure at both grade levels.

*Graphs were not reproduced.

Effects on District-Administered Standardized Tests

The formal evaluations of Success for All have relied on individually administered assessments of reading. The Woodcock and Durrell scales used in these assessments are far more accurate than district-administered tests, and are much more sensitive to real reading gains. They allow testers to hear children actually reading material of increasing difficulty and responding to questions about what they have read. The Woodcock and Durrell are themselves nationally standardized tests, and produce norms (e.g., percentiles, NCEs and grade equivalents) just like any other standardized measure.

However, educators often want to know the effects of innovative programs on the kinds of group administered standardized tests they are usually held accountable for. To obtain this information, we have sometimes requested standardized test data for students in experimental and control schools, and some districts have done their own evaluations on their own measures. The following sections briefly summarize findings from these types of evaluations.

Baltimore, Maryland—Through the 1992–93 school year we collected CTBS scores for our five Success for All and control schools. On average, Success for All schools exceeded control schools at every grade level. The differences were statistically and educationally significant. By fifth grade, Success for All students were performing 75% of a grade equivalent ahead of controls (ES=+0.45) on CTBS Total Reading scores (see Slavin, Madden, Dolan, Wasik, Ross, & Smith, 1994).

Memphis, Tennessee—A longitudinal evaluation of three Memphis Success for All schools (now becoming Roots and Wings schools) by Ross, Smith, & Casey (1995) included an assessment of program effects on the Tennessee Comprehensive Assessment Program's (TCAP) Vocabulary and Reading Comprehension tests. On average, the three Success for All schools exceeded the three controls by an effect size of +0.38 in first grade and +0.45 in second grade. Again, these effects are educationally and statistically significant.

Flint, Michigan—Two schools in Flint, Michigan began implementation of Success for All in 1992. The percentage of students passing the Michigan Educational Assessment Program (MEAP) in reading at fourth grade has increased dramatically. Homedale Elementary had a pass rate of 2% in 1992, placing it last among the district's 32 elementary schools. In 1995, 48.6% of students passed, placing it first in the district. Merrill Elementary, 27th in the district in 1992 with only 9.5% of students passing, was 12th in 1995 with 22% passing. Over the same period the average for all Flint elementary schools only increased from 18.3% passing to 19.3%.

Ft. Wayne, Indiana—An evaluation in two schools in Ft. Wayne, Indiana (Ross, Smith, & Casey, 1995) found positive effects of Success for All on the reading comprehension scale of the ISTEP, Indiana's norm-referenced achievement test. In first grade, the

effect size was +0.49 for students in general and +1.13 for the lowest-performing 25%. In second grade, effect sizes were +0.64, and in third grade, ES=+.13.

Miami, Florida—(Dade County) An evaluation of three Success for All schools (currently becoming Roots and Wings schools) was carried out by Yuwadee Wongbundhit (1995) of the Dade County Public Schools. In comparison to three control schools, the Success for All schools gained seven percentile points from grades 1–2 while matched control schools lost five points on the Stanford Achievement Test (SAT–8). In grades 2.3, Success for All students gained only one percentile point, but controls lost eight.

Wichita Falls, Texas—Fannin Elementary School, the highest-poverty school in Wichita Falls, Texas, began implementation of Success for All in 1991. Its scores on the 1992 Texas Assessments of Academic Skills (TAAS) showed a dramatic improvement. The percentage of third-graders meeting minimum expectations in reading increased from 48% to 70% (during the same year, the district percentage declined by 3%). Fannin students also increased from 8% to 53% in the percentage of students meeting minimum expectations in writing.

Modesto, California—Two schools in Modesto, California have been implementing Success for all since 1991. Each year, their average NCE's in reading comprehension have increased significantly. In 1993, El Vista Elementary showed an NCE gain of 10.8; in grades two and three, the gains were 14.7 and 13.5, respectfully. Orville Wright Elementary showed gains averaging 4.6 in grades 2–3. On the Spanish Aprenda, Orville Wright students using the Lee Conmigo program gained 9.5 NCEs. On the CLAS, California's experimental performance measure, both schools significantly exceeded their matched comparison group in 1993. Principals report that among students who have remained in the program since first grade, no third graders are reading below grade level.

Charleston, West Virginia—Chandler Elementary School began implementing Success for All in 1990. In the two years before the program was introduced, the school averaged an NCE score of 34. This increased to 43 in the first year after implementation and to 54 by the third year.

Changes in Effect Sizes over Years of Implementation

One interesting trend in outcomes from comparisons of Success for All and control schools relates to changes in effect sizes according to the number of years a school has been implementing the program. Figure 4, which summarizes these data, was created by pooling effect sizes for all cohorts in their first year of implementation, all in their second year, and so on, regardless of calendar year.

Figure 4 shows that mean reading effect sizes progressively increase with each year of implementation. For example, Success for All first-graders score substantially better than control first-graders at the end of the first year of implementation (ES=+0.49). The experimental-control difference is even higher for first graders attending schools in the second year of program implementation (ES=+0.53), increasing to an effect size of +0.73 for schools in their fourth implementation year. A similar pattern is apparent for second- and third-grade cohorts.

The data summarized in Figure 4 show that while Success for All has an immediate impact on student reading achievement, this impact grows over successive years of implementation. Over time, schools may become increasingly able to provide effective instruction to all of their students, to approach the goal of success for all.

Success for All and English Language Learners

The education of English language learners is at a crossroads. For many years, researchers, educators, and policy makers have debated questions of the appropriate language instruction for students who enter elementary school speaking languages other than English. Research on this topic has generally found that students taught to read their home language and then transitioned to English ultimately become better readers in English than do students taught to read only in English (Garcia, 1991; Willig, 1985; Wong-Fillmore & Valadez, 1986). More recently, however, attention has shifted to another question. Given that students are taught to read their home language, how can we ensure that they succeed in that language? (See, for example, Garcia, 1994.) There is no reason to expect that children failing to read well in Spanish, for example, will later become good readers and successful students in English. On the contrary, research consistently supports the common-sense expectation that the better students in Spanish bilingual programs read Spanish, the better their English reading will be (Garcia, 1991; Hakuta & Garcia, 1989). Clearly, the quality of instruction in home-language reading is a key factor in the ultimate school success of English language learners, and must be a focus of research on the education of these children.

Francis Scott Key (ESL)—An adaptation of Success for All to the needs of ESL students was evaluated at Philadelphia's Francis Scott Key Elementary School, a majority-Cambodian school in which virtually all children are in poverty. Francis Scott Key was evaluated in comparison to a similar Philadelphia elementary school.

Results: Asian Students—Success for All Asian students in grades 3–5, most of whom had been in the program since kindergarten, performed far better than control students. Differences between Success for All and control students were statistically significant on every measure at every grade level ($p<.001$). Median grade equivalents and effect sizes were computed across the three Woodcock scales. On average, Success for All Asian students exceeded control students in reading grade equivalents by almost three years in third grade (median ES=+1.76), more than 2 years in fourth grade (median ES=+1.46), and about three years in fifth grade (median ES=+1.44). Success for All Asian students were reading more than a full year above grade level in grade 3 and more than a half-year above in fourth and fifth grade, while similar control students were reading more than a year below grade level at all three grade levels.

Results: Non-Asian Students.—Outcomes of Success for All non-Asian students were also very positive in grades 3–5. Experimental-control differences were statistically significant ($p<.05$ or better) on every measure at every level. Effect sizes were somewhat smaller than for Asian students, but were still quite substantial, average +1.00 in grade, +0.96 in grade 4, and +0.78 in grade 5. Success for All students averaged almost two years above grade level in third grade, more than a year above grade level in fourth grade, and about eight months above grade level in fifth grade; at all grade levels, Success for All averaged about 2.5 years higher than control students.

Fairhill (Bilingual)—The bilingual version of Success for All, Lee Conmigo, was first implemented at Fairhill Elementary School, a school in inner-city Philadelphia. Fairhill serves a student body of 694 students of whom 78% are Hispanic and 22% are African-American. A matched comparison school was also selected. Nearly all students in both schools qualified for free lunches. Both schools were Title I schoolwide projects, which means that both had high (and roughly equivalent) allocations of Title I funds that they could use flexibly to meet student needs.

Results: All students defined by district criteria as limited English proficient at Fairhill and its control school were pretested at the beginning of first grade on the Spanish Peabody Picture Vocabulary Test (PPVT). Each following May, these students were tested by native language speakers on three scales of the Spanish Woodcock.

ANCOVAs controlling for pretests showed that at the end of grade 2 Success for All students scored substantially higher than control on every measure ($p<.01$ or better). Control second-graders scored far below grade level on all three scales. In contrast, Fairhill students averaged near grade level on all measures. Effect sizes on all measures were substantial. Fairhill students exceeded control by 1.8 standard deviations on Letter-Word Identification, 2.2 on Word Attack, and 1.3 on Passage Comprehension. Fremont (Bilingual), Wright (Bilingual) and El Vista (ESL).

Data from first-graders in three California Success for All schools were analyzed together by Dianda and Flaherty (1995), pooling data across schools in four categories: English-dominant students, Spanish-dominant students taught in Spanish (Lee Conmigo in Success for All schools), Spanish-dominant students taught in English (''sheltered students''), and speakers of languages other than English or Spanish taught in English. The pooled results are summarized in Figure 5.

As is clear in Figure 5, all categories of Success for All students scored substantially better than control students. The differences were greatest, however, for Spanish-dominated students taught in bilingual classes (ES=+1.03) and those taught in sheltered English programs (ES=+1.02). The bilingual students scored at grade level, and more than six months ahead of controls. The sheltered students scored about two months below grade level, but were still four months ahead of their controls. Both English-speaking students and speakers of languages other than English or Spanish scored above grade level and about two months ahead of their controls. The effects of Success for All on the achievement of English language learners are substantially positive. Across three schools implementing Lee Conmigo, the Spanish curriculum used in bilingual Success for All schools, the average effect size for first-graders on Spanish assessments was +0.88; for second-graders (at Philadelphia's Fairhill Elementary) the average effect size was +1.77. For students in sheltered English instruction, effect sizes for all comparisons were also very positive, especially for Cambodian students in Philadelphia and Mexican-American students in California.

Comparing Success for All and Reading Recovery

Reading Recovery is one of the most extensively researched and widely used innovations in elementary education. Like /Success for All, Reading Recovery provides one-to-one tutoring to first graders who are struggling in reading. Research on Reading Recovery has found substantial positive effects of the program as of the end of first grade, and longitudinal studies have found that some portion of these effects maintain at least through fourth grade (DeFord, Pinnell, Lyons & Young, 1988; Pinnell, Lyons, DeFord, Bryk, & Seltzer, 1991).

Schools and districts attracted to Success for All are also often attracted to Reading Recovery, as the two programs share an emphasis on early intervention and a strong research base. Increasing numbers of districts

have both programs in operation in different schools. One of the districts in the Success for All evaluation, Caldwell, Idaho, happened to be one of these. Ross, Smith, Casey, & Slavin (1995) used this opportunity to compare the two programs.

In Caldwell, two schools are using Success for All and one is using Reading Recovery. All three are very similar rural schools with similar ethnic make-ups (10–25% Hispanic, with the remainder Anglo), proportions of students qualifying for free lunch (45–60%), and sizes (411–451). The Success for All schools were somewhat higher than the Reading Recovery school in poverty and percent Hispanic. In 1992–93, one of the Success for All schools was in its second year of implementation and the other was a new school that was in its first year (but had moved a principal and some experienced staff reassigned from the first school). Reading Recovery was in its second year of implementation.

The study compared first-graders in the three schools. Figure 6 summarizes the results. As is clear from the figure, students in the Success for All schools performed somewhat better than students in the Reading Recovery school overall (ES=+.17). Differences for special education students were substantial, averaging an effect size of +.77. Special education students were not tutored in the Reading Recovery school and were primarily taught in a separate resource room. These students scored near the floor on all tests. In contrast, Success for All special education students were fully mainstreamed and did receive tutoring, and their reading scores, though still low, showed them to be on the way toward success in reading.

Excluding the special education students, there were no differences in reading performance between tutored students in the Success for All and Reading Recovery schools (ES=.00). In light of earlier research, these outcomes suggest that both tutoring programs are highly effective for at-risk first graders.

A second comparison of Success for All and Reading Recovery was carried out by Ross, Nunnery, & Smith (1996) in the Amphitheater School District of Tucson, Arizona. Three high-poverty schools (about 25% Mexican American students) were compared. One used Success for All, one used Reading Recovery with a whole-language curriculum, and a control school used a whole-language approach without tutoring.

In this study, tutored as well as non-tutored first-graders scored substantially higher in Success for All than in Reading Recovery. For tutored students the difference averaged an effect size of 1.08, with mean grade equivalents of 1.85 for tutored students in Success for All, 1.20 for Reading Recovery students. For all students, Success for All students had an average grade equivalent of 2.18, the Reading Recovery school 1.73, and the control school 1.80, with mean effect sizes of +.68 comparing Success for All and the Reading Recovery school and +.39 comparing Success for All and control.

The comparison of Success for All and Reading Recovery supports a common-sense conclusion. Success for All, which affects all students, has positive effects on all students. Reading Recovery focuses on tutoring and therefore produces its effects only on tutored students. These results suggest that Success for All may be most appropriate in schools serving many at-risk students, while Reading Recovery may be more practical when the number of students at risk of reading failure is small. Some schools have merged the two programs, combining the breadth and comprehensiveness of Success for All with the outstanding professional development for tutors provided by Reading Recovery. Such mergers of Success for All and Reading Recovery are being started in about a dozen schools located around the United States.

Success for All and Special Education

Perhaps the most important goal of Success for All is to place a floor under the reading achievement of all children, to ensure that every child performs adequately in this critical skill. This goal has major implications for special education. If the program makes a substantial difference in the reading achievement of the lowest achievers, then it should reduce special education referrals and placements. Further, students who have IEPs indicating learning disabilities or related problems are typically treated the same as other students in Success for All. That is, they receive tutoring if they need it, participate in reading classes appropriate to their reading levels, and spend the rest of the day in age-appropriate, heterogeneous homerooms. Their tutor and/or reading teacher is likely to be a special education teacher, but otherwise they are not treated differently.

The philosophy behind that treatment of special education issues in Success for All is called ''neverstreaming'' (Slavin et al. 1991). That is, rather than waiting until students fall far behind, are assigned to special education, and then may be mainstreamed into regular classes, Success for All schools intervene early and intensively with students who are at risk to try to keep them out of the special education system. Once students are far behind, special education services are unlikely to catch them up to age-appropriate levels of performance. Students who have already failed in reading are likely to have an overlay of anxiety, poor motivation, poor behavior, low self-esteem, and ineffective learning strategies that are likely to interfere with learning no matter how good special education services may be. Ensuring that all students succeed in the first place is a far better strategy if it can be accomplished. In Success for All, the provision of research-based preschool, kindergarten, and first grade reading, one-to-one tutoring, and family support services are likely to give the most at-risk students a good chance of developing enough reading skills to remain out of special education, or to perform better in special education than would have otherwise been the case.

That data relating to special education outcomes clearly support these expectations. Several studies have focused on questions related to special education. One of the most important outcomes in this area is the consistent finding of particularly large effects of Success for All for students in the lowest 25% of their classes. While effect sizes for students in general have averaged around +0.50 on individually administered reading measures, effect sizes for the lowest achievers have averaged in the range of +1.00 to +1.50 across the grades. Across five Baltimore schools, only 2.2% of third-graders averaged two years behind grade level, a usual criterion for special education placement. In contrast, 8.8% of control third-graders scored this poorly. Baltimore data have also shown a reduction in special education placements for learning disabilities of about half (Slavin et al., 1992). A study of two Success for All schools in Ft. Wayne, Indiana found that over a two year period 3.2% of Success for All students in grades K–1 and 1–2 were referred to special education for learning disabilities or mild mental handicaps. In contrast, 14.3% of control students were referred in these categories (Smith, Ross, & Casey, 1994).

Taken together, these findings support the conclusion that Success for All both reduces the need for special education services (by raising the reading achievement of very low achievers) and reduces special education referrals and placements.

Another important question concerns the effects of the program on students who have already been assigned to special education. Here again, there is evidence from different sources. In the Ross et al. (1995) study comparing Reading Recovery and Success for All described above, it so happened that first-graders in special education in the Reading Recovery group were not tutored, but instead received traditional special education services in resource rooms. In the Success for All schools, first-graders who had been assigned to special education were tutored one-to-one (by their special education teachers) and otherwise participated in the program in the same way as all other students. As noted earlier (recall Figure 6), special education students in Success for All were reading substantially better (ES=+.77) than special education students in the comparison school. In addition, Smith et al. (1994) combined first grade reading data from special education students in Success for All and control schools in four districts: Memphis, Ft. Wayne, Indiana, Montgomery, Alabama, and Caldwell, Idaho). Success for All special education students scored substantially better than controls (mean ES=+.59).

CONCLUSION

The results of evaluations of twenty-three Success for All schools in nine districts in eight states clearly show that the program increases student reading performance. In every district, Success for All students learned significantly more than matched control students. Significant effects were not seen on every measure at every grade level, but the consistent direction and magnitude of the effects show unequivocal benefits for Success for All students. Effects on district-administered standardized tests reinforce the findings of the studies using individually administered tests. This report also adds evidence showing particularly large impacts on the achievement of limited English proficient students in both bilingual and ESL programs, and on both reducing special education referrals and improving the achievement of students who have been assigned to special education. It compares the outcomes of Success for All with those of another early intervention program, Reading Recovery. It also summarizes outcomes of Roots and Wings, the next stage in the development of Success for All.

The Success for All evaluations have used reliable and valid measures, individually administered tests that are sensitive to all aspects of reading—comprehension, fluency, word attack, and word identification. Performance of Success for All students has been compared to that of matched students in matched control schools, who provide the best indication of what students without the program would have achieved. Replication of high-quality experiments in such a wide variety of schools and districts is extremely unusual. The equally consistent and dramatic impact of Success for All and Roots and Wings on district standardized tests and state performance assessments are further evidence of the broad impact of these programs.

An important indicator of the robustness of Success for All is the fact of the more than 300 schools that have used the program for periods of 1–8 years, only eight have dropped out (in all cases because of changes of principals). Many other Success for All schools have survived changes of superintendents, principals, facilitators, and other key staff, major cuts in funding, and other serious threats to program maintenance.

The research summarized here demonstrates that comprehensive, systemic

school-by-school change can take place on a broad scale in a way that maintains the integrity and effectiveness of the model. The 23 schools in nine districts that we are studying in depth are typical of the larger set of schools currently using Success for All and Roots and Wings in terms of quality of implementation, resources, demographic characteristics, and other factors. Program outcomes are not limited to the original home of the program; in fact, outcomes tend to be somewhat better outside of Baltimore. The widely held idea based on the Rand study of innovation (Berman & McLaughlin, 1978; McLaughlin, 1990) that comprehensive school reform must be invented by school staffs themselves is certainly not supported in research on Success for All or Roots and Wings. While the program is adapted to meet the needs of each school, and while school staffs must agree to implement the program by a vote of 80 percent or more, Success for All and Roots and Wings are externally developed programs with specific materials, manuals, and structures. The observation that these programs can be implemented and maintained over considerable time periods and can be effective in each of their replication sites certainly supports the idea that every school staff need not reinvent the wheel.

There is nothing magic about Success for All or Roots and Wings. None of their components are completely new or unique. Obviously, schools serving disadvantaged students can have great success without a special program if they have an outstanding staff, and other prevention/early intervention models, such as Reading Recovery (Pinnell, 1989) and the School Development Program (Comer, 1988) also have evidence of effectiveness with disadvantaged children. The main importance of the research on Success for All and Roots and Wings is not in validating a particular model or in demonstrating that disadvantaged students can learn. Rather, its greatest importance is in demonstrating that success for disadvantaged students can be routinely ensured in schools that are not exceptional or extraordinary (and were not producing great success before the program was introduced). We cannot ensure that every school has a charismatic principal or every student has a charismatic teacher. Nevertheless, we can ensure that every child, regardless of family background, has an opportunity to succeed in school.

The demonstration that an effective program can be replicated and can be effective in its replication sites removes one more excuse for the continuing low achievement of disadvantaged children. In order to ensure the success of disadvantaged students we must have the political commitment to do so, with the funds and policies to back up this commitment. Success for All and Roots and Wings do require a serious commitment to restructure elementary schools and to reconfigure uses of Title I, special education, and other funds to emphasize prevention and early intervention rather than remediation. These and other systemic changes in assessments, accountability, standards, and legislation can facilitate the implementation of Success for All, Roots and Wings, and other school reform programs. However, we must also have methods known not only to be effective in their original sites, but also to be replicable and effective in other sites. The evaluations presented in this report provide a practical demonstration of the effectiveness and replicability of one such program.

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MODERN RED SCHOOLHOUSE ON THE WORLD-WIDE WEB

(A project of Hudson Institute)

PREFACE

The little red schoolhouse of yesteryear, at least as idealized in American memory, was an institution that drew people together for

common purposes, to share in one of the most important responsibilities of any community: readying the next generation to take its place in that community by socializing the young, transmitting the culture, and equipping future workers, citizens, and parents with essential knowledge, skills, and habits. The Modern Red Schoolhouse intends to reinvent some of the key virtues of the little red schoolhouse in a modern context and with a modern mission to be a place where all children will learn and achieve academic standards that are truly world class.

This is not to say that all children will learn in the same way, or at the same time, or at the same pace. To this challenge, Modern Red Schoolhouse offers a set of teaching methods tailored to identify and nurture the potential that exists in every child. The Modern Red Schoolhouse standards are high. But they come with the expectation that all children will be afforded many routes towards their attainment. Like its nineteenth-century namesake, the Modern Red Schoolhouse does not lose sight of the fact that mastery of subject matter is the only acceptable goal for all children, wherever they may come from and however they may learn.

The standards documented here will be met by Modern Red Schoolhouse students in eight core subjects defined as English language arts, geography, history, mathematics, science, the arts, foreign languages, and health and physical education. The Modern Red Schoolhouse curriculum consists of Hudson Units both Foundation Units and Capstone Units. Foundation Units are developed or selected at each school for the primary purpose of instruction, although Foundation Units also include some built-in assessment. Capstone Units are developed by Advanced Systems, Inc., assessment contractor for the Modern Red Schoolhouse, in collaboration with teachers at cooperating schools. Their primary purpose is to assess students' academic progress, but because they are integral to curriculum, they also include some built-in instruction. Schools will arrange a series of Hudson Units to meet the individual learning needs of each student. All the performance objectives of all the Hudson Units successfully completed by each student will lead that student to achievement of the standards. All the Capstone Units, supplemented by examinations in each subject, form a Watershed Assessment of the standards which signal students' readiness to move to the next level of schooling.

All Modern Red Schoolhouse students are expected to meet the standards that follow with a few modest qualifications. The foreign language standards assume that students will become proficient speakers of two languages: English and one other. This does not preclude students from pursuing study of a third language; in fact, they are encouraged to do so. The arts encompass three arts disciplines: visuals areas, music, and drama. Students are expected to meet standards for all three through the intermediate level. Advanced level students will achieve the advanced standards for one arts discipline of the student's own choosing.

The Modern Red Schoolhouse standards are the result of two years of the combined thinking of teachers, administrators, community members, and national subject specialists. During the design phase, representatives of participating school districts began to identify high standards in eight core subjects. The College Board's Advanced Placement standards were used as an initial benchmark to help participants articulate what students should know and be able to do at the time of graduation from high school. Although students in the Modern Red Schoolhouse will reach these standards at different rates and therefore at different ages, the three levels are roughly equivalent to what students should know and be able to do at the end of grades 4, 8, and 12.

Successive drafts of the standards were reviewed by the Modern Red Schoolhouse Standards and Assessment Task Force. This document is the result of considerable revision by a team of subject specialists, all with broad experience in setting high standards and helping students to achieve them. Their joint experience includes work for the Advanced Placement program, the Council for Basic Education, the National Council of Teachers of English, the National Endowment for the Humanities, the Mathematical Association of America, the National Science Teachers Association, and a combined hundred years in classrooms at all levels. Drafts of the standards have been reviewed by subject specialists at Advanced Systems, Inc. and teachers in member schools, whose suggestions have prompted additional revisions. The greatest challenge offered by these standards raising student achievement to meet them will be addressed through innovative curriculum and not by lowered expectations.

While the Modern Red Schoolhouse standards are unique, they are not inconsistent with the recommendations of professional associations striving for excellence in education. We have borrowed heavily from other sets of standards developed in recent years in the great national effort to reform America's schools. We are indebted to the work of the National Assessment Governing Board whose National Assessments of Educational Progress in language arts, geography, mathematics, science, and the arts helped inform the standards. We drew from the College Board's various teacher's guides to their Advanced Placement courses. Publications from the following professional associations informed the development of the standards in their respective disciplines: the Association of American Geographers, the Bradley Commission on History in Schools; the National Center for History in the Schools (UCLA–NEH); the National Council for Teachers of Mathematics; the American Association for the Advancement of Science; National Standards in Foreign Language Education project; and the National Association for Sports and Physical Education.

In addition to these, the standards have been informed by the U.S. Department of Education's ''James Madison'' series and the U.S. Department of Labor's SCANS reports. Standards for the primary and intermediate levels were also informed by E.D. Hirsch's ''Cultural Literacy'' inventory and Smart Start by Patte Barth and Ruth Mitchell.

We are indebted especially to the work of the following authors and associations:

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Gadda, G., E. Jensen, F. McQuade, and H. Wilson. *Teacher's Guide to Advanced Placement Courses in English Language and Composition*. The College Board, 1985.

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The Modern Red Schoolhouse has also integrated character education into the academic curriculum of its students. In his essay ''Character Education in Our Schools'' (published separately by Modern Red Schoolhouse), Kevin Ryan of Boston University discusses the need for character education and the attempt by the Modern Red Schoolhouse to effectively address this issue. However, discussions about dealing with this subject are best made with the community. Therefore, individual schools are advised to develop their character education programs with the help and guidance of the school's parents and communities. In preparing the curriculum, especially in health and physical education, we encourage educators to review not only the standards enumerated here, but also Kevin Ryan's essay. It discusses in more detail the reasons for character education and the specific goals of the Modern Red Schoolhouse program. This essay can be obtained separately from the Hudson Institute.

The Modern Red Schoolhouse standards are anchored in beliefs and principles that most Americans today as they did a century ago know to be true and valid. We believe that standards can serve as an anchor for those principles while at the same time preparing graduates to take their place in the communities of the twenty-first century.

SALLY B. KILGORE, Ph.D.,
Director.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

With all due respect to the colloquy that just occurred, this funding cannot be used to provide gifted and talented funding. The purpose of title I under which this program is funded is to promote the raising of standards in schools and the raising of performance by improving the performance of disadvantaged children. There is a separate program for gifted and talented. We cannot use an exchange between two Members to rewrite what, in fact, is the basic authorization, irrespective of their efforts to do so.

I would also point out with respect to Comer schools, people can have whatever ideological reaction they want to it. The key element in Comer schools is family involvement, parental involvement, and often not just with your own child but deep involvement in the operation of the school itself and collaborative decisionmaking so that you do not have an additional round of finger pointing every time a problem develops at school, to emphasize forcing people to work together to make collective decisions which everybody takes their fair share of responsibility for.

Mr. RIGGS. Mr. Chairman, I do not follow the comments of the gentleman from Wisconsin [Mr. OBEY] because it seems to me perfectly plausible that a poor and educationally disadvantaged child could also be gifted and talented.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me clarify. It was not my intention to say this program could be used for a separate program, the Jacob Javits program, but under title I we could have students who are participating in a gifted and talented educational program and they would not be excluded from this simply because it is not expressly mentioned.

Mr. OBEY. If the gentleman will yield, I was just explaining to several of the gentleman's Members, one of these models involves taking so-called slow learners, and instead of dealing with them by putting them in remediation programs, it deals with them by in fact putting them in highly advanced intensive programs, much as you would a gifted and talented student. That is totally counterintuitive to me. But the evaluation of those programs demonstrates that it has produced some very dramatic results with those kids. In that sense, what the gentleman is saying might have some relevance to the situation, I would grant that.

Mr. MCINTOSH. Mr. Chairman, the point I would just like to make is that someone does not have to be labeled ''disadvantaged.'' They simply have to meet the requirements for title I. They do not have to be labeled as ''slow learners'' to be shifted into that highly talented program. They could be gifted and talented students who are eligible for title I programs.

Mr. OBEY. If the gentleman will yield further, we have not just made the funds available to title I schools, we have made $50 million of this available to non-title-I schools, because we think that all schools will be interested in this, not just schools that have a high percentage of disadvantaged students.

□ 1545

Mr. RIGGS. Mr. Chairman, I yield myself 30 seconds just to reiterate an important point that the gentleman from Wisconsin [Mr. OBEY] made that bears mentioning to our colleagues.

Again, we are talking about $200 million, which is the subject of the en bloc amendment. Of that amount, $50 million is actually for grants to local education agencies. That is money that, just as the gentleman from Wisconsin [Mr. OBEY] suggested, is being driven down to the local level.

Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think if we had more debate like this, I find this very refreshing, I think we are talking to issues, we are talking about education, we are not talking politics. I would like to thank Members on both sides.

In the 104th Congress, as chairman of a subcommittee basically responsible for K through 12 education, we had several hearings. One of those hearings, or all five of the hearings in one area, showed that our children were not competing for entry level jobs. The fact is that they could not read, they could not write, they could not speak the English language, or did not have the high-technical skills available.

In my own district, there are two gentlemen, both immigrants. One is named Paul Ecke who donates large amounts of money and his passion is education, as is a Hispanic friend of mine, Ralph Peskera, recently tasked to look at education on school entrance into college. The sad thing is many of those students were not prepared to meet the college level education. Many of us feel that more of the resources should be focused on the lower levels instead of so much on the higher levels. Again, I think that is why this debate is very refreshing.

Mr. Chairman, when we talk about things that we would like to look at in school reform, the President asked for $3 billion in a literacy program.

Currently, we have 14 Federal literacy programs. Mr. HOEKSTRA and the gentleman from California, [Mr. RIGGS], are looking into saying, well, I think it is reasonable for both sides of the aisle to say, let's find one or two that really work and let's fully fund them in the public schools and make sure we get the resources and the funds available for those and eliminate the bureaucracy, without saying, hey, we are cutting education but actually enhancing education because we are getting more money down to the level.

I think that reform is very important.

Damaging public education, I think, the gentleman from Wisconsin [Mr. OBEY], if we get into a fight, public versus private, I think we both lose. I think the whole value is taking our public schools with the problems that many of them have, and looking to bring them up to private level standards across the board.

Not all private schools are that good, either. But many of them you go to, you see the parents, the teachers, the children all lauding each other. Go to public schools across the Nation and in many of those public schools we do not see that.

My wife has a doctorate degree in education. She is an elementary school principal with two schools. You think somebody works hard? A good night for her is when she gets out at 9 or 10 o'clock. She is a very good principal. She has dedicated teachers. Yet, in our State of California we have just slipped from 45 to 50 in literacy.

Now, this is a nation where we have large amounts of resources that we do not apply. We have less than 12 percent of our schools that have even a single phone jack. We have so many Federal programs and get so little of the money. The average is 48 cents; in some States 23 cents. We need also in this reform to look to be able to focus the majority of money down to the ZIP Code, and where the parents and the teachers and the families can have a better say of what that education is.

Again, I would like to thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. RIGGS]. This is one of the better debates that I think has occurred and a debate we can be proud of on both sides of the aisle.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank my distinguished ranking member for yielding to me.

Mr. Chairman, I rise in support of the agreement worked out. Individual schools that elect to participate in this program identify an effective research-based whole school reform model that has the support of their community.

In my district in Cleveland, OH, eight schools are using the Comer reform model. This model involves shared decisionmaking, focuses on parental involvement, and includes student-staff-support team. Together, these teams develop the policies that are used to guide the school.

The Comer model has been used in Cleveland since 1990, and includes seven elementary and one middle school. Plans are under way to expand the use of this concept to a high school.

The Cleveland effort is a collaborative partnership with the Harvard Business School alumni that live in Cleveland, the Applewood Center,

Cleveland public schools, the community, and Cleveland State University.

In my district, the Comer model has been successful in that it has changed the climate of the participating schools. It has made the schools more friendly to parents, a better place for teachers to work, and, in turn, a better place for students to learn.

Cleveland State University has provided staff development and training for teachers and parents in the Comer program-participating schools and has helped to implement the Comer model. Cleveland State University is now involved in helping to measure and evaluate the projects, and to examine how the program can best be replicated.

With respect to gains in academic achievement, seven of the eight Comer program-participating schools have shown improvements in students' achievement and/or attendance.

With respect to the State proficiency test, there is now definite evidence that students in the Comer model school improved performance. This is especially good to be noted because in many of the other schools, young people taking the State proficiency test have been unable to pass that test, particularly in the fourth and eighth grades where they are taking tests in math and reading.

So the whole school reform program is a success for communities that wanted to improve their schools, and I support the agreement that has been worked out between both sides on a bipartisan basis.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California, Mr. Miller.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to commend the gentleman and the chairman of the committee for working out this agreement. This will enable those school districts who are truly interested in not only reforming their districts but providing improved results for their students an opportunity to draw upon the best programs that we have in this Nation with the best research and, to date, the best outcomes.

I have a school in my own district, Peres School in the city of Richmond, that had invited in the John Hopkins program, Success For All, the Wings and Roots program, and redesigned a school that serves the poorest children in my district. Not only is this program hopefully going to provide better results for these children, but it also provided a means of a circuit breaker from just doing the same old thing that has failed these children year in and year out.

As the gentleman from Wisconsin [Mr. Obey] pointed out earlier, it had to be done by bringing the teachers, bringing the administrators, the school board, together to vote in an 80 percent ratio in favor of going in this direction. Those teachers who felt that they could not do it or did not want to do it were able to go to another school they were more comfortable with for whatever reason. But they have put together a team and are heading in the same direction.

It is very much like when you have a football program at the high school. You try to get the freshman squad and the junior varsity squad and the varsity squad heading in the same direction so they are able to understand what is taking place, instead of having a lot of ad hoc programs started based upon somebody's notion of what works or what will succeed or what will not.

Here we will have hard research. This is a bottoms up approach. They were invited in by the Richmond school district, by the parents, to see if they could help.

I notice that our State Department of Education has invited in four schools to take a look at all of these programs this last summer, to let them explain where they might be helpful and let the districts pick that which they think is the best fit for them. But, again, the common element is a strong research as to the effectiveness of these programs, parental involvement, and a new commitment, a new commitment to excellence by both parents and teachers.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I certainly want to thank again the distinguished ranking member, the gentleman from Wisconsin [Mr. OBEY], the gentleman from Illinois [Mr. PORTER], and even the gentleman from Louisiana [Mr. LIVINGSTON], and all of those who worked on this amendment, and my dear friend, the gentleman from California [Mr. RIGGS].

Mr. Chairman, I would say I rise in support of the agreement that has been reached. The whole school reform effort, as we have heard from Members attesting today, has had a profound and, in many ways, enormous positive impact on districts throughout this Nation.

I speak with personal point from the Ninth District in Tennessee, at Charjean Elementary, principaled by Ms. King, and certainly Manor Lake by Mr. Woladin, and Mr. Harrison at Dunn Elementary. They have experienced tremendous success using the Success for All model, resulting in improved reading scores and math scores, and even parental involvement from parents throughout the community.

One of the great things about the whole school reform initiative, Mr. Chairman, and I say this to my dear colleague, the gentleman from California [Mr. RIGGS], is that it empowers teachers and certainly school administrators and parents, and it incorporates high standards, and at the same time that it provides us all autonomy, it also calls for more accountability.

So I applaud the agreement that has been reached, and would certainly say we are well on our way to preparing a new generation of workers, a new generation of scientists and astronauts, and those who will help lead this great Nation into the next millennium.

Again, I thank the gentleman from Wisconsin [Mr. OBEY]), the gentleman from California [Mr. RIGGS], and the gentleman from Illinois [Mr. PORTER], for their leadership on this issue and other educational matters.

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the committee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to say that as a Representative of Illinois with a district very close to the city of Chicago, I have seen, and continue to see, comprehensive school reform like perhaps no other in the history of this country.

Last year, the Illinois General Assembly, a Republican body, and a Republican Governor, said we have seen years and years and years of entrenched bureaucracies in the city of Chicago school system, overbloated with personnel, no standards, nothing happening to serve the children, and we are simply going to abolish the Chicago school board. They put the mayor of the city of Chicago, Richard J. Daley, in charge of the Chicago school system.

The mayor of Chicago took charge of that school system, and if you want to see comprehensive school reform happening in a big city and a school system being turned around, you want to look at Chicago.

Social advancement was gone in 1 day; accountability became ''in'' immediately; innovation, parental involvement, standards for students, standards for teachers, discipline, kicking out the druggies and the people that bring weapons on to school property, all were implemented.

We are seeing the kind of comprehensive school reform in Chicago that ought to happen in all of the systems in this country where the kids are not performing up to standards and where we can do much, much better.

Mr. Chairman, I went to a conference very early this year, and listened to Professor Comer of Yale and others, and was very intrigued with this concept that he was talking about.

When the gentleman from Wisconsin [Mr. OBEY] suggested that this ought to be a part of this bill, I thought he is exactly right. We can perhaps give some resources to school systems that do not have them, and encourage them to do the kind of thing that is being done in the city of Chicago to make a system work for the kids and raise our standards.

So I would compliment the gentleman from Wisconsin [Mr. OBEY], with whom I work very closely, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and the gentlewoman from Kentucky [Mrs. NORTHUP]. This is a good concept. It is going to work

well. It is going to help change school systems that are dysfunctional into ones that really work for the American children. I think this is a very, very good reform.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

□ 1600

Mr. Chairman, I would simply say that I would like to also compliment the chairman of the subcommittee for being open-minded enough to review these proposals and to recognize that this offers us an opportunity for a nonideological way to get at school reform.

I also appreciate the constructive efforts of the gentleman from Pennsylvania [Mr. GOODLING], the education authorizing committee chair, for his efforts, to see to it that we can proceed on a project that will help raise school performance and school standards around the country.

I think we underestimate often what our kids can do if they are challenged and if the schools in which they learn are imaginative enough and well organized enough. I hope this initiative will lead to that day.

Mr. RIGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I want to point out that again this has been, I think, a very genuine, good-faith effort at bipartisan compromise. Perhaps whole school reform, as it is now modified to mean comprehensive school reform, will do some good. At least $50 million of the $200 million is being driven down right to the local level, block-granted or not block-granted, but in grants to local school districts.

However, I want to make it clear, I do not quite share this enthusiasm for the whole school reform model. I personally am a little wary, as the chairman of the authorizing subcommittee, of the reform de jour in education. Somebody always has a better idea; we are going to come up with a panacea to solve our educational woes in America today, to improve and bootstrap reform at the local school district level.

But if it were up to me, if I could play the benevolent dictator for a day, I would leave those tax dollars in the local communities. I would let local taxpayers and local elected educational decisionmakers decide how to spend that money, rather than have to have it sent to Washington, recycled through the bureaucracy. And let us be honest about it here, we have a large bureaucracy here in Washington, the Department of Education. We have bureaucracies in the State houses, the State capitols around the country that siphon off so much money.

We heard the gentleman from California [Mr. CUNNINGHAM] talk about half, and I actually think it was less than 50 cents, or 50 percent of every dollar, going down to the local level. We have a resolution coming to the floor soon, Mr. Chairman, that is going to stipulate that we ought to, as a matter of bipartisan policy at the national level, try to get 90 percent, 90 cents of every Federal education tax dollar, down into the classroom, ideally used to pay someone who knows that child's name.

Mr. Chairman, I have to again just hope, and we will be examining this in the authorizing committee, I think that is part of our legitimate oversight responsibility, how this money is spent. If we had this, again if we could do it any other way, I would say send it to meet the one mandate we impose on every State and local school district, and that is to comply with IDEA, the Individuals With Disabilities Education Act, to provide special education to children with learning disabilities.

If we really want to try a novel idea of educational reform, why do we not do this: We will grant the $200 million, but let us take $200 million to put it in scholarships for these same children, for low-income families whose children attend unsafe or underperforming schools.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me simply say in response that this is not the reform de jour. This proposal is the result of 20 years of research to determine what works and what does not, what is effective and what is bull gravy, to be blunt about it.

I would also say that I do not expect that this is going to be the be all and end all in terms of improving school performance. If I had my way, I think the most important thing the Federal Government could do is to say that there would not be a single dime in Federal money to any State for education purposes until they reform their State aid distribution formulas.

It is outrageous that my own State, for instance, has a State aid formula that gives Maple, WI, one of the poorest rural districts in my State, pennies in comparison to the huge amount of aid or the huge amount of money that Maple Bluff and Maple Grove, two very wealthy suburbs in my State, can spend, in part because of the unjust school aid formula.

I would also point out with respect to special education that these programs have been demonstrated to greatly reduce the need for placement of people in special education by attacking the problem up front, and I think that is the way we ought to go.

Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

The CHAIRMAN. The gentlewoman from Connecticut [Ms. DELAURO] is recognized for 3¾ minutes.

Ms. DELAURO. Mr. Chairman, I rise in support of the agreement, and thank the ranking member and the chairman for really putting forth this incredibly wise decision in terms of comprehensive school reform.

Parents and students know that the key to a good job is a good education. We know our schools need to be held to the highest educational standards. We know that years of educational reform have produced mixed results.

We do not know all that we need to do to bring our schools up to scratch, but we know what does not work. That is trying to fix one classroom, one course and one group of kids at a time. We know what we need is school-wide comprehensive reform.

That is why these funds are needed, to give struggling schools an opportunity to learn about and implement school-wide models which can bring school levels up all over, and achievement levels up all over the country.

I am very proud of the Comer model of schools. Jim Comer is from my district. Jim Comer produced and developed the school-wide model that is being used not just in New Haven, CT, but in schools in 25 States across the country, and in other countries around the world. It has proved particularly effective for schools with higher than average numbers of disadvantaged and poor-performing students.

The New Haven schools are reaffirming their commitment to the Comer model. With only 16 schools in the district participating in the Comer renewal so far, scores on the Connecticut master test have risen district-wide between 3 and 16 percent. Participating schools scored 300 percent higher in measures of school climate improvement, including school safety, than nonparticipating schools.

Just last week Yale University announced the findings of a study of schools which have participated in the Comer renewal from 1992 to 1996. Researchers found significant improvement in students' attitudes toward school and a sense of safety on campus. Teens in Comer renewal schools showed improvements in race relations, reduced violence, declines in drug use, and less high-risk sexual activity.

Mr. Chairman, I ask my colleagues on this side and the other side of the aisle, I would love to have them come to New Haven, CT, to visit the Comer schools. I have sat in the planning and management meetings, I have sat with the parent teams, I have sat with the staff support and the mental health teams as they go about trying to create overall comprehensive reform and to turn the climate of these schools around.

If we provide $200 million for scholarships all over the country, that is a good and noble cause. In fact, it has an effect on an individual child. It does not get at what we must do in fact to do something about public education in this country, make it what it has been in the past.

This model is not only working in New Haven, CT. Prince Georges County, MD, is represented by my colleagues, the gentlemen from Maryland, Mr. HOYER and Mr. WYNN, where they have implemented the Comer model there, which has tripled the number of students scoring satisfactory or excellent on State exams in the last 3 years.

It has brought dramatic decreases in attendance and discipline problems.

Mr. Chairman, this model may not work for all schools, but all schools should have the opportunity to learn about it and to decide if it in fact is right for their community. That is what the opportunity is in these funds. It is our responsibility to help ensure that every child in this Nation has a shot at the American dream.

I compliment my colleagues, and I compliment the chairman and the ranking member.

Mr. DELAY. Mr. Chairman, I rise in support of this amendment. I appreciate the work of Mr. RIGGS and Ms. NORTHUP in working out this compromise that will give greater education resources to local and State agencies.

This amendment goes to the heart of the debate over our Nation's education system. Shall we waste taxpayer's money on untested programs or shall we return money to State and local agencies that will give parents the resources they need to educate their children? Shall we return to the days of new math and open classrooms, where untested theories from so-called education experts confused countless school children? Or shall we give parents the tools they need to educate their children for the next century?

Mr. Chairman, I believe that all of us, on the right and on the left, share a desire to improve our Nation's education system. But we disagree on the best way to achieve that result. Liberals believe that money can best be spent at the national level. That is why they support increased funding for the Department of Education, national testing, and this program establishing whole school reform. Conservatives believe that education reform can best be achieved at the local level, with maximum parental involvement. We believe that each child deserves the best education possible and that sacrificing some children in the name of reform is a terrible mistake.

Whole school reform has had some success at the local level, especially in Kentucky, as my colleague, Ms. NORTHUP, has explained. But it has had some notable failures as well. To now invest millions of dollars on a reform program that has had mixed success at best is a risk I am not willing to take, and I am pleased that we have succeeded in replacing this provision with one that favors State flexibility.

Why am I reluctant to fund the whole school program created in this bill? Let me give you two reasons.

First, the program comes disguised as a carrot, but it would act as a stick that would force local school districts to try this untested theory. School districts struggling to make budgets, buy books, and pay teachers would look at this pot of money as manna from heaven. But actually this money would prove to be fool's gold for school districts that are reluctant to try one more Washington-backed education theory. I would much rather return this money back to States and local agencies, through block grants, and let them improve education as the see fit.

Second, Congress would again be spending money without the necessary oversight and review process. We have had no hearings on this program in the authorizing committee. In fact, this program was authorized in 1994 with one line in the Improving America's Schools Act. That's it. One line. Now, 3 years later, this bill proposes to fund such a program, with little debate or scrutiny. Has the whole school reform approached worked? The jury is still out.

In Kentucky, public school enrollment has decreased dramatically and some schools have actually had to advertise to attract students. And some of what I have read makes me nervous. In one model, ''staff, parents and students find their own way to transform themselves.'' In another, a purpose for a fourth grade class was defined as ''we work for good health.''

One expert describes Kentucky's experiment this way: ''Kentucky's restructured education system frowns on such things as memorization, drill and review, textbooks, desks in rows, structure of any sort, lectures by teachers—they are now called 'guides' and 'facilitators'—and basic academic skills which are now disdainfully referred to as 'lower order thinking skills.' '' In my view, the reasons our schools are in their current mess is because too many students haven't mastered the lower order thinking skills of reading, writing, and arithmetic.

Mr. Chairman, I don't believe the Federal Government should be promoting new age education at the expense of traditional approaches. Reforming and improving our schools is an ongoing process, based on common sense and parental involvement.

The Whole Schools Reform Program in this bill is a poster child for big government, full of untested theories, and unnecessary Federal mandates. I am pleased that we are rejecting this approach, and urge my colleagues to support the Riggs amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. RIGGS].

The amendments were agreed to.

The CHAIRMAN. Are there any other amendments at this point in the bill?

The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $796,000,000, of which $667,000,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $62,000,000, to remain available until expended, shall be for payments under section 8003(f), $7,000,000 shall be for construction under section 8007, and $20,000,000 shall be for Federal property payments under section 8002.

AMENDMENT NO. 40 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer amendment No. 40.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. HAYWORTH:

Page 66, line 7, after ''$796,000,000'' insert ''(increased by $18,000,000)''.

Page 66, line 12, after ''$7,000,000'' insert ''(increased by $18,000,000)''.

Page 82, line 6, after ''$174,661,000'' insert ''(increased by $18,000,000)''.

Mr. HAYWORTH. Mr. Chairman, I am pleased to be offering a bipartisan amendment with my friend and colleague, the gentleman from Mississippi, Mr. GENE TAYLOR, that will benefit some of the poorest children in America. The amendment will increase funding for the section 8007 program of the Impact Aid Program which funds school construction, and it will increase that aid from $7 million to $25 million. To offset this increase, the gentleman from Mississippi [Mr. TAYLOR] and I propose to reduce funding for the National Labor Relations Board, or NLRB, by $18 million.

Mr. Chairman, as many Members know, Impact Aid funds children's education on military bases and on Indian lands. Because these areas lack an adequate tax base or bonding capacity, they often cannot meet the educational needs of their children, and that is just wrong. The Federal Government has an obligation to educate children who reside on Federal land.

Indeed, helping to meet those needs is the purpose of the Impact Aid Program. Yet, the funding level in this bill will bring this vitally important program only to its fiscal year 1979 level. One section of Impact Aid that has received woefully inadequate funding is the school construction program or section 8007. While the bill does increase construction funding from $4 million to $7 million, and let me thank my colleague and the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER] for that, the fact remains this will hardly make a dent in the sad state of federally impacted schools in my district and in other districts across the United States.

As the chairman knows, I represent the Sixth District of Arizona, a unique district because it has the distinction of being the most federally impacted congressional district. Indeed, it also is unique because it has the largest Native American population in the 48 contiguous States.

The Navajo Nation, which stretches across portions of four States and is roughly the size of the State of West Virginia, is the largest and one of the poorest sovereign Indian nations, with staggering unemployment rates, which can be as high as 50 percent, depending on the season. It is apparent that education is the only way for the children of the Navajo Nation to build economic empowerment and escape a life of poverty.

Moreover, educating the children on our reservations is a moral obligation we simply cannot ignore. The other seven tribes I represent in my sprawling district face similar hardships and depend on Impact Aid to help educate their youth. The sad fact is that many of the schools on military bases and Indian lands are in decrepit condition. Many school buildings on the Navajo Nation are cracking, leaking, or falling apart and would be condemned if it were not for the fact that students need to be educated and are required by law to attend classes. Unfortunately, there is not enough money in the construction budget for schools that desperately need to be replaced or renovated.

I would note that the average school in the United States costs nearly $6 million to build. This bill's funding for school construction of $7 million would only allow us to build the equivalent of one school each year.

Mr. Chairman, there is need for more than one school a year in my district alone. Section 8007 must be increased substantially if we are to effectively educate our children on Federal lands in a safe and healthy environment. Indeed, when Congress reauthorized the Impact Aid law in 1994 and created section 8007, it envisioned this part of the Impact Aid Program to be funded at a minimum of $25 million each year.

Section 8007 has only been appropriated to $5 million in each of the last few years, and the money has yet to be distributed to any school districts. Not only that, but a study by the National Association of Federally Impacted Schools, or NAFIS, recently concluded that $25 million is the amount needed to help address the construction needs of federally impacted school districts. So full funding of section 8007 would compensate for the inability of heavily impacted districts to raise construction funds on their own.

□ 1615

Now, Mr. Chairman, let us compare the situation of these federally impacted schoolchildren with the bureaucracy of the NLRB from which we propose to offset the funding increase for school construction.

As I said before, Mr. Chairman, on the Navajo reservation in my district, school buildings are literally falling down around students. I am sure that many of my colleagues from other federally impacted districts could make similar claims.

The NLRB, on the other hand, occupies a posh building in one of the most prestigious parts of Washington, DC, at a cost of $21 million a year. Children on the reservation are often underfed and malnourished.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. HAYWORTH] has expired.

(By unanimous consent, Mr. HAYWORTH was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. Mr. Chairman, children on the reservation are often underfed and malnourished and lack the proper books and supplies. But at the NLRB, all five Board members have their own showers, kitchens, libraries, and are provided with clean linen weekly.

And get this, Mr. Chairman, while the schools on our military bases and reservations struggle to attract and retain qualified teachers, each Board member of the NLRB has 18 to 22 lawyers on his staff, while the NLRB general counsel employs 628 lawyers at an average salary of more than $76,000 a year.

Mr. Chairman, in almost every survey I have seen, the American people list education as their top priority. We have a chance to do something to improve education today in a very helpful way by increasing funding for the construction of schools on some of our Federal lands to serve some of the poorest children in America.

By contrast, Mr. Chairman, I have not seen one survey citing clean linen for high-priced lawyers as a pressing national problem. In short, Mr. Chairman, is there anyone in this Chamber who really believes that the NLRB needs the $18 million more than the children on our reservations and military bases? Because, Mr. Chairman, that is the simple choice before us today.

I do not want to make it sound as if this Congress has not tried to tighten the reins on the NLRB. On the contrary, I am pleased that the Subcommittee on Labor, Health and Human Services, and Education has frozen funding for the NLRB over the past few years. Nevertheless, the NLRB can and should get by on less. This proposal is not a drastic cut. It is merely a way for us to set our priorities for our scarce Federal dollars in a more human way.

Mr. Chairman, we are confronted with a stark but simple choice: lawyers or children, bureaucrats or schools. Mr. Chairman, again I would say this amendment is a straightforward choice: Lawyers or children, bureaucracy or schools. I implore the Members to support this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. RIGGS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my good friend and colleague from Arizona [Mr. HAYWORTH] said that he has the most heavily impacted congressional district in America. I have, perhaps, one of the most heavily impacted school districts in America with the largest naval training facility in the world at Great Lakes as part of my district. Impact Aid is very important to this Member personally, as well as very important to a number of Members in the House of Representatives and to most of our States.

Mr. Chairman, we have done everything we possibly can to raise funding in this area. In 1996, we provided $693 million, and in 1998, we provide $796 million, a $100 million increase. We have increased section (f). We have increased construction. The President suggested $4 million for this account; we are raising it to $7 million, almost double what the President has suggested. We have raised funding for Federal property. It is a high priority with me, and I know that the gentleman from Arizona realizes this.

Mr. Chairman, the amendment would quintuple the appropriation for construction in a single year and would represent more than a sixfold increase over the President's request. That level of funding certainly has not been justified or even suggested in any of the budget hearings we held this year.

Regarding the offset, the committee bill already reduces NLRB by $11.8 million below the President's request. It provides level funding compared to fiscal year 1997. I have to say that the NLRB was funded at $170.3 million in fiscal 1996. It would be funded in fiscal 1998 at $174.6 million, a very, very small increase over the last 3 years.

In total, the NLRB is funded at $1.4 million below the amount provided by the last Democratic Congress in fiscal year 1995. And when one considers that the NLRB budget is almost entirely salaries and expenses, this 1 percent reduction since 1995 is actually closer to a 10-percent real cut, because the Agency has had to absorb mandatory pay and benefit increases in each of the last 3 years.

Mr. Chairman, I would say to the gentleman from Arizona that I am no fan of this administration's NLRB. I think in many instances Chairman Gould has politicized the institution beyond anybody's imagination, and I feel that that is a serious problem for our country. But I would also say to the gentleman that the NLRB is part of a system that we have devised to resolve disputes in our economic system between management and labor in a lawful way without violence; hopefully, without interruptions of work. Its day-to-day work in resolving cases that are filed before it is very important. When we cut too heavily into an agency's resources, all we do is create a backlog of cases that makes it much more difficult for these disputes to be resolved in a reasonable way. I do not think that simply cutting its budget is a productive approach at all, even given our frustration over the political nature that I believe Chairman Gould has given to this Agency, and I think very unfortunately.

So on balance, I think we have done very well by Impact Aid and very well by Impact Aid construction. I think the cut in NLRB, while in certain ways I would agree with the gentleman from Arizona, would be unwise in this circumstance.

We have level-funded it. It amounts to a cut. I think the committee has done a very good job in creating a balance between these two accounts, and I

would ask Members to oppose the amendment.

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

Mr. PORTER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I am well aware of the challenges faced by both the chairman of the subcommittee and the ranking minority member, and the many different priorities that one tries to weigh and the compromises that must occur in a legislative body to get work done.

Mr. Chairman, let me simply ask the gentleman from Illinois [Mr. PORTER], to take a look at the number of attorneys per commissioner or board member.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. Mr. Chairman, if the gentleman would continue to yield, each board member of the NLRB has anywhere from 18 to 22 lawyers on his staff and yet, as I understand it, here across the street in our third branch of Government at the Supreme Court, the Justices of the Supreme Court have anywhere from two to three, maybe at the most five lawyers on their staffs as law clerks.

Mr. PORTER. Mr. Chairman, reclaiming my time, I would say to the gentleman that they do very different work. I do not see how that is comparable.

Mr. HAYWORTH. Mr. Chairman, if the gentleman would continue to yield, I think it is very important. It may be different work, but certainly an entirely separate branch of Government in the Supreme Court has work of no less importance. And yet to see the numbers of folks employed at the NLRB and to see the extravagance I think is a great concern, especially when we contrast it with the blight and the poverty on many Indian reservations and the needs on many military bases and in the schools there.

Mr. PORTER. Mr. Chairman, again reclaiming my time, the work of the Supreme Court is controlled by the Court itself. There are very few cases that can be appealed to the Supreme Court, except by writ of certiorari, and they control what cases they will hear.

The NLRB has no control over its caseload. It has to hear what cases are filed before it. And while obviously it does the best it can to resolve those without formal hearings, it still takes formal hearings in many instances. And, again, all we do by making severe cuts in their budget is to create a huge backlog of cases, which is I think in neither in the interest of management or labor.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think we should kid ourselves for a moment. In my view, this amendment does not have a whole lot to do with Impact Aid. What it does have a lot to do with is that it represents the third year in a row that certain Members of this House have decided that they wanted to wage a frontal attack on the ability of the NLRB to enforce worker rights.

Mr. Chairman, in 1996, the majority in this House cut funding for the NLRB by 30 percent. That was one of the issues involved in the Government shutdown.

In 1997, they tried to cut funding for the NLRB by 15 percent. This amendment cuts it by 10 percent and simply has a ''holy picture'' place that it puts the money.

Mr. Chairman, I would simply make the point that whether my colleagues like the NLRB, or whether they do not, it is the only agency we have that protects workers against unfair treatment by employers and protects corporations against unfair picketing and violence by unions. To the extent that we reduce its budget, we cripple its ability to deal with both problems.

I would point out that this is the Agency that is charged with the responsibility of giving workers redress when they are fired for an unfair reason, such as trying to organize a union. It is also the Agency charged with the responsibility of seeing to it that when corporations who have contracts with their workers downsize, that they do so in a fair manner, consistent with the contracts that they have negotiated, and not arbitrarily savage people outside of the requirements of law.

Mr. Chairman, this reduction will result in the doubling of the backlog of cases at the NLRB. It will represent a 14-percent cut in staff. This is not, as the gentleman from Arizona [Mr. HAYWORTH] has suggested, a choice between children and bureaucrats. This is a question of whether or not workers are going to have taken away from them the ability to go to an agency of Government for redress of their grievances when they feel they have been treated unfairly by the corporate entity that employs them. Pure and simple, that is what this amendment is.

Mr. Chairman, I would strongly urge that the House reject the amendment. If we do not like decisions that are made by executive agencies of the Federal Government, the way to go about that is to argue with the fellow who appointed them in the first place. But we should not, under the guise of improving slightly funding for Impact Aid, we should not be savaging the ability of this Government to provide a square deal to every worker who sweats for his wages 40 hours a week.

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

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I appreciate the observations of the gentleman from Wisconsin [Mr. OBEY]. I just wonder if my colleague would answer this question. Does the gentleman honestly believe that the several hundred lawyers who work for the NLRB are toiling by the sweat of their brow to help, when we see the extravagance?

Mr. OBEY. Mr. Chairman, reclaiming my time, I would ask that the gentleman not misconstrue my remarks.

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I said that it is workers throughout the country who have a right to go to their Government for redress when they have been treated unfairly. Those workers work very hard and they work and sweat very often, which is a lot more than can be said about either the gentleman or me in this place. I would appreciate it if the gentleman would not mischaracterize my remarks.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman's point of view and the passion that he brings to this.

Mr. OBEY. With all due respect, Mr. Chairman, it is not my point of view that I want the gentleman to appreciate. I want him to be accurate about what I said on the floor.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this argument, and my good friend from Arizona has some connections in North Carolina, this kind of befuddles me a little bit. We are not pitting poor children in Arizona or in North Carolina, where we have many bases, I have been a strong supporter of impact aid ever since I have been in this place.

We talk about the NLRB. I was not happy with the structure of the NLRB, as the gentleman from Illinois [Mr. PORTER] is not happy with this administration's NLRB appointees, I was not happy with the ones that were in the Ford administration, in the Reagan administration, even the Carter administration, I was not too happy with the board there. But that is not the argument.

The NLRB gives people that work for a living, if they have a grievance and have not been treated fairly, they have someplace to go. They mediate this. This has nothing to do with impact aid.

I would like to make one other point, if my information is correct, the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from Nebraska [Mr. CHRISTENSEN] and the gentleman from Texas [Mr. EDWARDS] testified to the level of funding for impact aid, and it was only $2 million less than the request for impact aid, and they testified and supported that level.

That was satisfactory with the impact aid people, NAFIS; that was satisfactory with them. That was the level that they agreed to, and the chairman and the ranking member put it in the bill. There was no great concern that I am aware of that the gentlemen contested the level of funding, the gentleman from Arizona [Mr. HAYWORTH], the gentleman from Nebraska [Mr. CHRISTENSEN], or the gentleman from

Texas [Mr. EDWARDS]. They agreed that this was basically fair and would get the job done.

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

Mr. HEFNER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding to me. I appreciate the gentleman's comments, but he is wrong. In fact, I testified for an increase of close to $20 million when I appeared before the subcommittee.

Mr. HEFNER. OK, Mr. Chairman, I stand corrected. And I apologize. But the gentleman said this is pitting poor children against bureaucrats and lawyers. That is not really what we are doing here. All the Members that I know here, the gentleman from Wisconsin [Mr. OBEY], myself, the gentleman from Texas [Mr. EDWARDS], we have been supporters of impact aid for years and years and years.

In fact, the gentleman from Wisconsin [Mr. OBEY] led the fight when Mr. Natcher was chairman of this committee to increase funding for impact aid. So to say that and make the determination that what we are doing is denying money to these poor children, impact aid, and you are going to give it to bureaucrats that do not do anything, that is not really a fair characterization.

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

Mr. HEFNER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as has been the case often in the last 3 days, agencies are being pummeled for the sins of their predecessors. I would point out that the building into which the NLRB moved was a building, they were moved into that building under the Bush administration. The showers were in that building when the Bush administration moved the agency into that building.

Second, I would point out that the linen service that the gentleman is so exercised about was discontinued 2 years ago. So I do not mind attacking agencies for mistakes that they are making at the present, but I do not believe that people should be blamed for the mistakes of either previous administrations or be blamed for practices that have been long since corrected.

Mr. HEFNER. Mr. Chairman, reclaiming my time, I would like to finish my statement. I think what we should do is pursue active funding for impact aid for our military bases for quality of life programs which the gentleman from California [Mr. PACKARD] and I have worked very hard to do, to see that we can have retention for qualified people in our military. But I do not think that it is really kosher for us to come here and pretend to say that if you are going to give this money to NLRB that all these people are going to suffer so much because they do not get the impact aid. This seems to me not a real good, honest argument to make.

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

Mr. HEFNER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, perhaps the gentleman misunderstands the argument. That is not the theory I posited. What I am saying is that when we come to this floor through the amendments process, as my colleague from North Carolina who has served ably in this Chamber for many years understands, this is the chance for us as a collective body to sit down and say, let us review the priorities and the work done by the various committees.

With reference to the ranking member's historical observation about the Bush administration and moving the NLRB into that rather exorbitant headquarters, and that is fine, I am not here to retrace partisan history, if something is wrong, then it is wrong. We ought to take a look at making sure that the NLRB can operate effectively but more economically in other areas.

Mr. HEFNER. Mr. Chairman, this is not the argument. We are not talking about funding for the NLRB right now.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEFNER] has expired.

(By unanimous consent, Mr. HEFNER was allowed to proceed for 2 additional minutes.)

Mr. HEFNER. Mr. Chairman, we are not talking about posh offices, showers and all of these sorts of things. We are talking about impact aid. The impact aid, if the gentleman is opposed to NLRB, maybe he should have an amendment to do away with any funding for NLRB, but to make the case, which the gentleman said earlier, do you want to put the money in for Washington bureaucrats, all these special lawyers and what have you, and take it away from these poor children in Arizona and North Carolina and wherever, that is just not, in my view, that is not a real intellectually honest amendment to make at this time.

Mr. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment which would benefit both our military schoolchildren as well as those children living on the Indian reservations.

As many of my colleagues know, the Impact Aid funding for section 8007 of the construction has been shortchanged over the years. The Federal Government backed away from providing construction funding through the Impact Aid Program several years ago.

In my district, funds for construction costs are needed in a variety of important areas. Checking with our local school administration, I talked with one superintendent. He was talking about making some of the bathrooms handicap accessible. We had a remodeling of one that cost over $32,000. In the Bellevue school system alone, in my district, we have had 20 bathrooms that have been made handicap accessible, but still have 15 that need to be done.

Bellevue West Senior High School is 20 years old and is in need of roof replacement. This will cost over $1 million. Just to cable an elementary school for technology costs approximately $30,000. Upgrading the electrical service for technology costs approximately $65,000. One computer lab in the elementary school costs approximately $100,000.

Appropriations for the Impact Aid construction in the Labor–HHS bill amount to about $7 million. If this amendment passes, that amount would rise to $25 million. These needed funds could be used to help school districts address the problems that I have mentioned so that federally impacted school kids will have access to safe facilities with modern technology.

I want to really praise the chairman of the Committee on Appropriations here, because he has been a real champion. The gentleman from Illinois [Mr. PORTER] has been working for a long time, and I want to thank him for all his efforts because he has been a true champion. And this area is really about where we can take some money that we think is not being wisely used and put it into an area that can benefit all of us.

The NLRB, as we heard already, has not been the most efficient use of the taxpayer dollars, whether it was in the Bush administration or the current administration. I believe that is why we take a look at this idea of spending more money in the areas of education for the kids of our military families versus spending it on whether it is rank and file NLRB employees or whether it is some of the lawyers we have heard about, that I think there is over 628 lawyers at NLRB with an average salary of $76,000 a year.

Now, some have complained that we are pitting the NLRB bureaucrats versus schoolchildren. That is not fair. Let us not look at it that way. Let us look at how we can use our tax dollars in a more efficient manner.

We believe that putting the dollars into the construction and into the education of military kids is a higher priority than spending money on all the 628 lawyers at the NLRB. It is a simple choice and it is a choice that I think we can easily make.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Nebraska and would like to commend both sides for the candor involved in this debate.

Mr. Chairman, just going back to some comments made earlier, no one here is suggesting, as has been implied or perhaps stated, that we seek a destruction of the National Labor Relations Board. We understand the importance and value of having a place where labor and management, where workers can go to settle grievances, the framework which exists. But again, as we look at priorities and we deal as

a collective body with the recommendations of the appropriations subcommittee, I believe we are well within our rights to ask the legitimate question, given the extravagance that we see at the posh Washington, DC, address.

Mr. Chairman, I would just invite our friends in the television networks, and NBC comes to mind with the series, The Fleecing of America, I think they might want to go down and visit the NLRB and take a look at what has become, in essence, a Taj Mahal which stands in stark contrast to schools that are below standards in Timbuktu that we see in many areas of our Nation, particularly on our Indian reservations and military bases.

I respectfully, again, would reinforce the notion that we have an opportunity here to redirect some funding, not to eliminate an agency but to redirect our priorities, because, Mr. Chairman, the simple fact is this, if this amendment passes, workers will still have a National Labor Relations Board to go to. But if this amendment fails to pass, many children will still lack adequate places to go to school.

It is a simple, stark contrast that compels us to adopt this amendment.

Again, I thank my colleague from Nebraska and also our colleague from Mississippi, from whom we will hear a bit later in this debate, for the bipartisan nature of this amendment, because it does what this House is supposed to do, rethink priorities and deal with pressing problems.

Mr. CHRISTENSEN. Mr. Chairman, I urge a yes vote on this amendment. I want to thank the chairman and the ranking member also for the work on the Impact Aid Department.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Many of my colleagues who have worked with me as colleagues in this House in prior Congresses know how hard I have worked, diligently, to express the needs of children from military families, both who live on base and off base. We argued this each year in trying to get additional funds for Impact Aid.

I have to take this opportunity to commend the committee for understanding the importance of this assistance to our local communities and steadily, over recent years, enormous amounts of money, compared to past Congresses, have been allocated to this program. So they certainly need to have our commendation. And the total Impact Aid funding for this year, as recommended in this bill, is nearly $800 million. That will be added on to by the moneys that are allocated in the defense bill.

So I think that the Congress should be commended, not castigated, which I have to interpret as the nature of this amendment, by asking that the committee did not act properly by not giving enough money. If I were a member of the Committee on Appropriations, I would take offense. I would stand up strongly and say that the needs of the children in the Impact Aid communities have been more than adequately listened to when compared to the other needs in the entire education area.

All of us are frustrated by the fact that we do not have enough money to provide for the educational needs of this country. Take the President's recommendation in construction, because this is what we are talking about here today, $18 million more of construction aid for Impact Aid schools. What happened to the President's recommendation for $5 billion in school construction? Talk about priorities of this country.

All of us come from school districts where the apparent needs of our schools are not only in the classroom but overhead, because we have leaky roofs, inadequate facilities. And somehow in the compromise that was made by the Republican leadership and the White House and others, we were unable to come up with the $5 billion we need for school construction.

So let us not talk about weighing priorities. Let us not talk about weighing priorities, because we had the opportunity right there to do something about the overall dismal condition of our school apparatus and infrastructure and hooking up to high-technology and so forth, and we did not. We failed the school system. But my colleagues do not find me here on the floor of the House castigating the Committee on Appropriations for not coming up with this money which I feel is so strongly needed by our school system.

□ 1645

I believe in the Impact Aid Program, and I would stand firm with anyone in this House to advocate for additional funds, but I believe that this committee has done well by us in this bill and I do not believe that coming in here under the guise of adding $18 million in an $800 million budget for Impact Aid is really what this is all about.

What this is about is to take 10 percent of the money away from the NLRB because there is a move being made here by the Republican leadership to cut down on the protections of our workers. They do not want occupational health and safety, they do not want anything there that helps workers in our communities protect their meager earnings, overtime pay and rightful minimum wage and so forth.

And now they want to take the last thing that they have, that challenges their right to belong to a union, to bring their grievances of unfair labor practices to a national board where these matters can be litigated and ironed out.

So what we have here today is not an effort to add $18 million to Impact Aid school construction. We had that opportunity already and we blew it. This is an effort to try to cut down the protections of workers, as well as management, to have their legitimate concerns and complaints heard by an independent board to determine where the equities are and to settle these matters in as quick and as efficient a manner as is possible.

This board has not had additional funding this year. They are level-funded. And I am handed a piece of paper that says that over the course of time they have had to cut back on their staff. More than a third of their staff has been cut since 1980, 25 percent since 1985, and another additional 10 percent since 1991. So we are talking about the crunching in of the staff that is so essential.

It is high personnel costs because that is what their job is. So I plead with this House to vote down this amendment.

The CHAIRMAN. The time of the gentlewoman from Hawaii [Mrs. MINK] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mrs. MINK was allowed to proceed for 3 additional minutes.)

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for the courtesy because I feel very strongly about this.

I do not want to see this pairing or challenging of issues here and penalizing the people who come to this House with legitimate concerns, to have them try to balance it out. I am here full square as a defender of the Impact Aid Program. I shall vote against this amendment because it is not an honest effort to add Impact Aid moneys, but it is an effort to challenge a system, the only system we have that will protect the workers of this country to the right to collective bargaining.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to reemphasize something that the gentlewoman is saying. This agency's staffing has been reduced by more than one-third since 1980, from 3,000 people to under 2,000; by more than 25 percent since 1985.

The staffing level for fiscal 1996 was the lowest since 1962, and yet their case intake was 56 percent higher. Each employee must now handle 28 percent more cases than in 1985.

I understand that when various labor unions campaign against individual Members of Congress, that when legislation comes to the floor Members have an opportunity to offer amendments which reduce the ability of the agencies to protect legitimate rights of workers; and I understand that that can happen under the rules of the House, but that does not make the amendments that might be offered any more advisable.

It seems to me that we should not, under the banner of cutting the so-called bureaucrats in Washington, actually be gutting the Government in its responsibility to protect workers and to protect corporations from unfair

practices by unions. That is what the effect of this amendment would be, and I think it deserves to be defeated on both sides of the aisle.

This amendment, were it to pass, would not survive conference. If it did, there would not be a bill. There is no way the President of the United States is going to accept a gutting of his responsibility to enforce the law to protect workers' rights in this country, and it is just that simple.

Mrs. MINK of Hawaii. Reclaiming my time, Mr. Chairman, I would like to urge this House to consider this amendment for what it is, and it is a 10-percent cut of the National Labor Relations Board, whose staff works very, very diligently.

Most of the money allocated, the $117 million, is for payroll. If they abide by the law and accord these workers their legitimate COLA increases, it will force them to decrease the number even under the current funding. So I plead with this House to reject this amendment on the basis of what it is.

Mr. HAYWORTH. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Chairman, I listened with great interest to the comments of my colleague from Hawaii and also to the comments of the ranking minority member.

If I am not mistaken, it was not but just a few moments ago when my colleague from Wisconsin pointed out that it should not be my intent to mischaracterize words or his reasoning. I would simply ask for the same courtesy from both the ranking minority member and the distinguished gentlewoman from Hawaii. For if it were my purpose, Mr. Chairman, to destroy or eliminate the National Labor Relations Board, I would offer that amendment.

Again, that is not our intent here. We believe there is a legitimate right for the National Labor Relations Board to work, to operate, to deal with workers' needs, but again it becomes a question of priorities.

Now, Mr. Chairman, my friend from Hawaii brought up the President's proposal for 5 billion dollars' worth of funds for school construction. And just to point out, when she asked the question, where is the support for that program, it is worth noting, Mr. Chairman, as I think most Members know, that that $5 billion would not, would not have gone to schools under the aegis of impact aid because they are in areas that have no adequate tax base or bonding capacity. And as we know, that was a prerequisite for the funding, the $5 billion package, offered earlier by the administration.

Indeed, as we have talked about and heard from the minority side evidence of so many cuts, just for the record, last year we may recall the House-passed 1997 appropriations bill included a 15-percent decrease for the NLRB, but after conference with the Senate, the agency ended up with a 3-percent increase.

What I would ask, Mr. Chairman, is again for our friends in the fourth estate, and some call broadcasting the fifth estate, to take a look at the extravagance at the National Labor Relations Board, the veritable Taj Mahal in downtown Washington, and ask if that is a legitimate edifice, if that extravagant headquarters in fact really helps workers' rights.

I appreciate the fact the ranking minority member talked about the efficiency and doing more with less, by his account, that the NLRB states. I am saying with this amendment, as colleagues on both sides of the aisle are saying, as we are looking at priorities, this is a proper venue to take money from an organization that can perform well and that will continue to perform well and put the money where it is needed.

Again, I thank the subcommittee chairman for the slight increase to $7 million in school construction. But as the National Association of Federally Impacted Schools states in its study and its request, that organization says we should fully fund this to $25 million. It is that request that I believe we should honor. It is in that spirit that we offer the amendment.

Even as I appreciate the fact that there are profound philosophical differences on both sides of the aisle, there is also some uniformity and some recognition of need here; and that is why we come with this amendment today, again to make the choice of how best to spend this $18 million.

It is desperately needed by federally impacted schools. We must adopt this amendment, the protestations of the minority notwithstanding.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

I think more eloquent than anything I can say, Mr. Chairman, is the fact that this amendment, that is proposed to supposedly help impact aid, has drawn opposition from some of the strongest supporters of impact aid in this Congress.

I know of no one, since the death of Mr. Natcher, who has done more personally, individually, singularly to increase funding and to defend funding for impact aid than our chairman from Illinois, who has worked tirelessly where the real decisions were being made, behind the scenes, in subcommittee, in committee, to fully fund this program as much as we can within the limited budget. For the gentleman from Illinois [Mr. PORTER] to stand up in opposition to this is something that I think speaks more eloquently than anything I could say.

But as cochairman of the House Impact Aid Coalition, as someone who helped found the House Impact Aid Coalition several years ago, because I felt the military children and the native American children of America needed a voice on this important issue, I want to stand in opposition to this amendment because I believe, while well intended by the gentleman from Arizona [Mr. HAYWORTH], I think this proposal, this effort, is going to harm the Impact Aid Program.

Let me mention two points: First is impact aid has already been treated very well, exceptionally well within the context of a budget where we have been cutting funding for senior citizen programs, cutting back on services to veterans, and cutting back on defense programs.

The fact is that this program is being increased in this fiscal year because of the work of the gentleman from Illinois and the gentleman from Wisconsin and others in committee from $730 million to $796 million, a $66 million increase, when most other programs are being cut.

The fact is, the NAFIS organization which supports impact aid actually put out, in its own newsletter before they were asked about this amendment, that this funding is within $2 million of even their request. And I do not know of many groups who make requests before Congress that get them 99 percent funded, certainly not in this balanced budget context.

NAFIS also said in their July 29, 1997, newsletter, NAFIS does not expect any changes to these figures during consideration of the appropriations bills before the full House and Senate. Through separate letters, NAFIS has urged all members of the House and Senate Impact Aid Coalitions to support the respective Labor-HHS, Education appropriations bills.

The interest group out there with whom I work to support impact aid has said this was a very fair bill, it was a generous bill.

Now, let me tell the gentleman, my friend, whom I usually work together with, three reasons I think he is actually harming, not intentionally, but actually harming impact aid.

First, we are sending a message to the gentleman from Illinois and the gentleman from Wisconsin and to all the others who work on the Committee on Appropriations that enough is never enough, so that next year, if we got another $66 million increase in spending for impact aid coming out of the committee, that is not enough. There will be floor amendments making other cuts in their budget proposals.

So what that says to the gentleman from Illinois, the gentleman from Wisconsin, or others who might be serving in their position, go on and reduce the committee proposal, the recommendation for impact aid, and then let the gentleman from Arizona and the gentleman from Texas come to the floor and ask for an extra $5 or $10 or $15 million.

The bottom line will be, because of efforts like this on the floor that turn their backs, in effect, on the great increase in funding for impact aid coming out of committee, we are actually

encouraging the Committee on Appropriations next year to appropriate less.

Second, as someone who helped found the Impact Aid Coalition, I think one of our real successes has been we have had no predators, no natural enemies to this program. Now we have, because of this amendment on the floor today, we have labor unions making calls to Members on both sides of the aisle asking them to vote against this funding for impact aid.

Some of those folks may have thought impact aid in the past was a highway program; I do not know. But now we have natural predators.

We are also sending a message to others that are funded through this bill that next year they had better watch it because NAFIS and the impact aid folks, even if they get an increase, unlike most people in their committee recommendation for funding, they are going to be out there on the floor finding some other area to cut.

So the practical impact of this is that the committee is going to make recommendations for less funding next year, and other groups will look to impact aid and perhaps want to have floor amendments taking money from impact aid to put in their pockets.

Now, the third reason, unintentionally, I say to my friend, why I think this amendment does harm to impact aid is that we are tearing down——

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has expired.

(By unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. EDWARDS. Mr. Chairman, the gentleman and I are cochairs of the Impact Aid Coalition. We worked hard to build a bipartisan effort. Yet when this amendment was put together, our coalition never met. Most Members I have talked to did not hear from the gentleman. I even have a letter signed now by a lot of members of the steering committee and cochairs of the Impact Aid Coalition, opposing this amendment.

And while the gentleman does have some fine Democrats, such as the gentleman from Mississippi [Mr. TAYLOR] supporting this, and I respect that, the fact is, this was not put together with the broad support of the Impact Aid Coalition. So I think the gentleman is tending to tear down the true bipartisan, nonpartisan nature of the Impact Aid Coalition.

□ 1700

For those three reasons, I think unintentionally, this amendment is actually hurting our efforts. I will say that to NAFIS or to any other organization that cares about impact aid. I believe in helping military children get a first-class education and, Mr. Chairman, that is exactly why I am going to strongly and actively oppose this amendment. While well intended, so is the path to hell and this is an example of well intentions going wrong.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has again expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1½ additional minutes.)

Mr. EDWARDS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Texas, with whom I agree on a great many subjects, but hearing his last observation about the path paved with good intentions, it tempts me to remind him that I will just go back to my district and be sure to tell those kids in dilapidated schools that in his opinion they are being treated well because he and I both know and, Mr. Chairman, I think this body knows that we have schools literally falling apart, federally impacted schools. While I joined and sat alongside with the gentleman from Texas to testify and to talk to members of this subcommittee, the fact also remains that in the school construction budget, section 8007, the increase was marginal and woefully inadequate. And the amendments process is not intended as an insult to the Committee on Appropriations, as my colleague, the gentleman from Texas, is well aware, a colleague to whom I tried to reach out in preparation of this amendment, and we had an honest difference of opinion on this but we have this process again to bring to the floor of this Chamber an open airing of priorities and to give Members a chance to say we believe despite the good work of the committee some things can be done even better, as I see the dilapidated state of federally impacted schools in the Sixth District of Arizona, and I will read a portion of the statement from the National Association of Federally Impacted Schools in support of the Hayworth-Taylor amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS]) has again expired.

(On request of Mr. HAYWORTH, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. HAYWORTH. ''When Congress reauthorized the Impact Aid law in 1994 and created section 8007, it envisioned this part of the Impact Aid Program to be funded at a minimum of $25 million each year. Section 8007 has only been appropriated at $5 million each of the last few years. Currently the House bill includes $7 million for section 8007.''

What we see here is not in gratitude but a simple statement of fact and intent. While again I join with my colleague, the gentleman from Texas, on behalf of federally impacted schools and impact aid, this shows again why we should add these funds, why we should respect not only the committee process but the amendments process and pass this amendment.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition and I am sorry to have to do this, particularly because I value my friendship with the gentleman from Arizona and with my dear friend, the gentleman from Mississippi, as well. As someone on the steering committee of the impact aid coalition and someone who was education chair in my State and had to try and deal with the implications of the failure to have the level of funding necessary for impact aid, I find myself in this uncomfortable position of having to oppose the amendment. I hope, actually, by the time this discussion is over they maybe would consider withdrawing it or not bringing it to a vote in the hopes that we will not end up in a situation where people can say, ''Oh, well, I was for impact aid and you were against impact aid.'' Because, very frankly, and I hope that we can get attention for everything that is being said from everyone before we are through, that when this comes down to a question of funding, which is what it does, we are actually in the wrong venue.

This should be a line item in the Department of Defense budget. This is not a position, I would tell the gentleman from Arizona, that I am just coming up with in response to this amendment. This argument goes back to an argument I had as chair of the education committee in the State of Hawaii and brought up here to Washington almost 2 decades ago. This should be a line item in the Department of Defense budget. For those Members who do not know this, we fund our schools overseas at 100 cents on the dollar. Not my answer to the gentleman from Arizona, but my response, and I trust he would understand the difference both from a political sense and personally, is that I not only understand the capital problem that he is having, the capital assets problem in terms of the facilities in the school, but also in paying the teachers and in the operating expenses that are involved. To have the children, the dependents of our military personnel, dependent on the particular circumstances of property taxes, however we do the funding in Arizona or Hawaii or Mississippi or elsewhere, is virtually, from my point of view, immoral. It is not fair. Those children are there by the assignment of the U.S. Government and their parents are there in our name acting in our behalf, and this should be funded out of the Department of Defense as an obligation.

If we can fund our schools at 100 cents on the dollar in Korea, in Germany, or wherever, and I suppose if things keep on going, in Bosnia by the time we get through, then we should certainly do it in the confines and the boundaries of the United States of America.

My first essential point to the gentleman is that rather than pit workers against children or one element of government against another element of government, or however people choose

to characterize this debate for their own purposes, not for ours in terms of our discussion, we are going to end up with that kind of a dichotomy being put forward, and I believe it is a false dichotomy. I do not doubt for a moment that the funding is needed in exactly the way that he says it is, and I would support it. This is why I think we should work together within the coalition, and this is no news to those who know of my participation in the coalition, that we should move this, and I would like to work with the gentleman, and anybody else who is interested in it, in moving the whole funding nexus from the Department of Education and into where it properly belongs, into the Department of Defense.

Pending that, I think it is an exercise not so much in futility, but an exercise in false confrontation or false dichotomy to try to pull the money from, whether it is NLRB or wherever else it might have come from, in order to do the necessary funding here. We need to make the fight, it seems to me, on the basis of the merits of the Impact Aid Program across the board and that that should be funded as a result of our commitment to the dependents of our military personnel across the board.

I do want to say that rather than continue in a vein as to which one of us is more morally correct or whether or not one is depriving an essential necessity of governmental operation in the United States of the funding necessary to do its job in order to benefit the children.

The CHAIRMAN. The time of the gentleman from Hawaii [Mr. ABERCROMBIE] has expired.

(By unanimous consent, Mr. ABERCROMBIE was allowed to proceed for 1 additional minute.)

Mr. ABERCROMBIE. Rather than get into that and rather than allowing this very important discussion to merely become another point in the overall budget discussion of this particular bill, I plead with the gentleman from Arizona, let us take this up in another venue, at another time, working together, Democrats and Republicans, on behalf of all the children, on behalf of our military personnel so that we can deal with the issue where it should be dealt with within the Department of Defense budget. I would be happy to work with him and my good friend from Mississippi and anybody else who is interested.

I thank the gentleman for his kind attention, and I hope my remarks are received in the temper that I meant them in the first place, that is, that we need to focus on the children, we can focus on the children and perhaps if this discussion keeps going with this particular amendment, that might be lost regardless of the good intentions of the author.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that a lot of good people in this debate have chosen to question other people's motives. I am not going to do that. I will ask some people that I know to have good hearts to think for a second and let us try to set some priorities and let us try to set some priorities involving our Nation's children. For those Members who do not have a military base in their district and therefore may not be familiar with Impact Aid, it is a program designed to help pay the cost of children whose parents either live on a base, work on a base or do both.

In my hometown of Bay St. Louis, about 60 percent of my property taxes go toward paying for the schools, building the schools and paying the administrators. About half of the sales tax, which is the majority of State taxes that are collected in Mississippi, go to paying classroom teachers. But if a person is in the military, if they serve at Keesler Air Force Base or the Navy construction battalion and they happen to live on that base, well, then they do not pay property tax. They are serving their country, but they do not pay property tax. Therefore, they are not contributing directly toward the building of those schools in Gulfport and in Biloxi. If they shop on the base, and many of them do because they are underpaid, so we provide base commissaries for them to shop and save some money, at that base commissary they do not pay sales tax. Therefore, they are not paying toward the cost of that classroom teacher, $26,000 in the State of Mississippi alone.

So a very good program was started and defended over the years that says since we are placing a burden on these local communities when we send the children from these bases to the local schools, we will help subsidize the local school district. But even that falls horribly short. Nationwide, we spend about $5,500 to educate a child between the age of kindergarten and 12th grade. Impact Aid contributes only about $1,500 to those local school districts where the parent lives on the base, works on the base or does both.

So even with the great progress made this year, and I do want to commend the committee for doing so, we are still way below the cost of educating these children. We are a long way from where we should be. What the gentleman from Arizona [Mr. HAYWORTH] and I want to do, though, is there is a separate circumstance, those circumstances where over half of the young students are the children whose parents live on a base, work on a base or they happen to be on an Indian reservation. These are the most remote areas of America where we do our military training so we do not bother the neighbors, so we do not hurt innocent bystanders. And so the base is the community. If the base is the community, then there is no local school district to subsidize. So the base has to build a school.

With the defense drawdown, and there has been a drawdown, the defense budget has gone from $300 billion in 1990 to about $270 billion this year. It has been cut $30 billion in real money, and if we throw inflation on that, it has probably been cut by $50 billion. What the gentleman from Arizona and hopefully a number of my other colleagues are saying is, do you not think those kids deserve a good school? If their parents are in the Navy, they are away from them 180 days a year. I will say that again. If their mom or dad is in the Navy, in all likelihood, they are gone from their children 180 days a year. If they are in the Army in all likelihood, mom or dad is away from those children 150 days a year; if they are in the Air Force, 120 days a year. We cannot make up for these things in money. We are taking their time away from them, the most valuable thing they have, especially when they are little.

☐ 1715

God knows we do not pay them enough, because we have 13,000 soldiers, sailors, airmen, and marines on food stamps. Where I come from, that is an embarrassment. I do not think the people who serve our country ought to be embarrassed like that.

So all we are trying to say is if we cannot pay them enough, and they have got to be gone all the time, and because Congress will not take a stand on whether or not to let the President send people all over the world, to let him do what we will not do with the War Powers Act, and we are sending parents away to Bosnia, and we are sending parents to the desert, and we sent parents to Panama and all over the world, why do we not try to make up for it in some small way, to see to it that the kids go to a decent school on base?

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. TAYLOR] has expired.

(By unanimous consent, Mr. TAYLOR of Mississippi was allowed to proceed for 3 additional minutes.)

Mr. TAYLOR of Mississippi. Mr. Chairman, again, this is our responsibility. We are not talking about a school district in Mississippi, we are not talking about a school district in your hometown, we are talking about those schools where over half of the students are the children of the people in our Nation's military. It is our responsibility to see to it they are treated fairly.

So it is not bureaucracy versus schools. It is simply setting priorities. Should we not be responsible for those children and should we not treat them properly?

I have got to admit I am a little disappointed when I see Democrat after Democrat come up here and lambast the motives. That is my motive. I think those kids deserve a decent school.

I regret as the ranking Democrat on the Subcommittee on Personnel, I could not find the money to get those 13,000 people off of food stamps. But do you know what? Maybe I can give some

of their kids a little bit better school to go to.

All we are asking is that we as a Nation set some priorities within the funds that we have, since we are trying to balance our budget. One of those priorities will be to shift some money out of the city of Washington, DC, and spend it on the people who serve our country, to see to it that their kids can go to a decent school.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Hayworth amendment and urge our colleagues to vote against it.

Mr. Chairman, I would like to, with all the respect in the world for the previous speaker, the gentleman from Mississippi [Mr. TAYLOR], I would like to address some of the statements that the gentleman made as well.

Certainly the gentleman laid out a magnificent justification for funding for Impact Aid, and I agree with the gentleman completely. As one who had three bases in her district up until the Base Closure Commission closed all three of them, I certainly identify with the concerns and the values that the gentleman put forth and the need for us to have this Impact Aid.

That is why I congratulate our chairman, the gentleman from Illinois [Mr. PORTER], and our ranking member, the gentleman from Wisconsin [Mr. OBEY], for increasing the funding in this bill to $796 million, an increase of $66 million from last year, for Impact Aid. Indeed, Impact Aid is a high priority for our subcommittee, as is reflected in this amount of money, in the $66 million increase, that was given.

The gentleman referenced that he does not like the idea of questioning the motives of other Members of Congress, and neither do I. But I will, when I think that the Republican majority is, once again, for about the fifth day in a row, hiding behind the children of America, to make an assault, to continue its assault, on the American worker, and that is what this amendment is about. That is what this amendment is about.

If we want to have bigger increases in our education programs, and I fully support that, then we have to take a look at our entire budget and how we allocate the 602(b) allocation so that the gentleman from Illinois [Mr. PORTER] does not once again in this lamb-eat-lamb subcommittee bill, because everything in here we can make a strong case for and a strong justification for, that is where I would like to see our Republican colleagues weigh in for more funding for education, instead of tax breaks for the wealthiest in our country and increased funding on the defense side without question.

I agree with our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], that this, indeed, should be a line item in the defense budget, and I commend a member of the Impact Aid Task Force, the gentleman from North Carolina [Mr. HEFNER], the ranking member on the Subcommittee on Military Construction, for the leadership he has demonstrated in funding and building schools out of that budget for children of the military.

The gentleman from Texas, our colleague [Mr. EDWARDS], is a cochair of the Impact Aid Task Force, and a champion in that regard, and he spoke eloquently in opposition to the Hayworth amendment.

But I do question the motives of the Republican majority to day in and day out hide behind children. The first day it was children with disabilities, the next day it was vocational education, it was the education of our Nation's children, and then alternating back and forth, children with special needs, voc-ed, et cetera, in order to take money that is there to promote tranquility in the workplace.

The National Labor Relations Board has a freeze in this budget which represents a 5 percent cut in staffing because the freeze does not enable them to keep up with inflation.

This amendment, in addition to that, guts enforcement of the Nation's labor laws that protect workers. The amendment not only guts protections for workers against unfair firings, it reduces protection for companies. This is about workers and about companies. Both benefit from the work of the National Labor Relations Board.

The Hayworth amendment would reduce protection for companies against unfair picketing and violence in strikes. The amendment would reduce staffing levels by 14 percent over and above the reductions that our freeze already impacts, investigations would double or triple, and election cases would be delayed up to 3 months.

The bill of the gentleman from Illinois [Mr. PORTER] is a bipartisan product. It balances the needs, the competing needs, of the very worthy competing needs that our subcommittee's jurisdiction of Labor, Health and Human Services, and Education presents.

I believe that in our national budget should be a statement of our national values. It is an honor to serve on this subcommittee, because we address the heart of the matter, jobs, job training, health and the well-being of the American people, and the education, the education of our children.

The CHAIRMAN. The time of the gentlewoman from California [Ms. PELOSI] has expired.

(By unanimous consent, Ms. PELOSI was allowed to proceed for 1 additional minute.)

Ms. PELOSI. Mr. Chairman, I, therefore, call upon our colleagues to once again reject this attempt on the part of the Republican majority to continue its assault on American workers by hiding behind their children. Every day that I serve in this House I will say that we can talk all we want about the well-being of our children and their education, but the economic security of their families is absolutely essential to that.

The Hayworth amendment undercuts that economic security. I urge our colleagues to vote no.

Mr. FARR of California. Mr. Chairman, I have listened for days now to the debate over education appropriations. I would like to add my voice to the debate and say our kids deserve more than what Congress wants to give them. They deserve well-built schools and classrooms, qualified teachers, and a chance to learn in a safe classroom and secure environment.

And we should let students know that public schools are quality schools, and that it is not only a wonderful opportunity but a privilege to learn in the public school system. This country's public school system produces some of the most gifted and well-learned students in the world. That is why we need to keep our public schools well funded.

A recent example of how well public schools work in our communities is Watsonville High School, located in my district in California. Two students this year graduated from Watsonville High School were valedictorians of their senior class. Both students came from poverty-stricken, farm-worker families, both students are the first in their families to attend college, but both are high achievers attending top universities this fall. Fabian Bedolla is studying architecture at Cornell University and Sonya Rocher is attending UC–Berkeley.

If we put our much-needed public education funds into vouchers, we take away from these students, who want to succeed, and fulfill their dreams within the public school system. We owe it to our children to keep all of our public school money in the public schools. They are the future of our country, and we must give them the tools to lead us into the next century.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYWORTH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of July 31, 1997, the Chair will reduce to 5 minutes an electronic vote, if ordered, on the Schaffer amendment.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 10, as follows:

[Roll No. 385]

AYES—170

Aderholt	Buyer	Dreier
Archer	Calvert	Duncan
Armey	Cannon	Dunn
Bachus	Chabot	Ehrlich
Baker	Chambliss	Emerson
Ballenger	Chenoweth	Ensign
Barr	Christensen	Everett
Barrett (NE)	Coble	Ewing
Bartlett	Coburn	Fowler
Barton	Collins	Frelinghuysen
Bass	Combest	Gallegly
Bereuter	Cook	Ganske
Bilbray	Cooksey	Gibbons
Bliley	Cox	Gillmor
Boehner	Crane	Goode
Bonilla	Crapo	Goodlatte
Bono	Cubin	Goodling
Brady	Cunningham	Goss
Bryant	Deal	Graham
Bunning	DeLay	Granger
Burr	Dickey	Greenwood
Burton	Doolittle	Gutknecht

Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Young (AK)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Camp
Campbell
Canady
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—10

Carson
Conyers
Dellums
Foglietta
Gilchrest
Gonzalez
Hunter
Kolbe
Schiff
Waxman

☐ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1745

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 31, 1997, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. BOB SCHAFFER OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado, [Mr. BOB SHAFFER], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 10, as follows:

[Roll No. 386]

AYES—185

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella

Murtha	Regula	Stokes
Nadler	Reyes	Strickland
Neal	Rivers	Stupak
Northup	Rodriguez	Tanner
Oberstar	Roemer	Tauscher
Obey	Rothman	Thompson
Olver	Roybal-Allard	Thurman
Ortiz	Rush	Tierney
Owens	Sabo	Torres
Oxley	Sanchez	Towns
Packard	Sanders	Traficant
Pallone	Sandlin	Upton
Pascrell	Sawyer	Velazquez
Pastor	Schumer	Vento
Payne	Scott	Visclosky
Pelosi	Serrano	Walsh
Peterson (MN)	Sherman	Waters
Pickett	Shuster	Watt (NC)
Pomeroy	Sisisky	Weldon (PA)
Porter	Skaggs	Wexler
Poshard	Skelton	Weygand
Price (NC)	Slaughter	Wise
Pryce (OH)	Smith, Adam	Wolf
Quinn	Snyder	Woolsey
Rahall	Spratt	Wynn
Ramstad	Stabenow	Yates
Rangel	Stark	Young (FL)

NOT VOTING—10

Bonior	Foglietta	Schiff
Burton	Gonzalez	Waxman
Carson	Hunter	
Dellums	Kolbe	

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Mr. CAMP changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably detained and unable to cast the following rollcall votes today. Had I been present, I would have voted as follows: ''Nay'' on rollcall vote No. 380, ''yea'' on rollcall vote No. 381, ''nay'' on rollcall vote No. 382, ''nay'' on rollcall vote No. 384, ''nay'' on rollcall vote No. 385, and ''nay'' on rollcall vote No. 386.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT REGARDING AMENDMENTS TO HOUSE RESOLUTION 168, TO IMPLEMENT THE RECOMMENDATIONS OF THE BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will meet on Tuesday of next week to grant a rule which may limit the amendments to be offered to House Resolution 168, to implement the recommendations of the bipartisan House Ethics Reform Task Force. This task force, consisting of an equal number of Republicans and Democrats, has been working for several months to produce a product which is acceptable to Members on both sides of the aisle.

Mr. Chairman, the last time there was an ethics reform package in 1989, it was also the result of a bipartisan task force. While there are many issues which are partisan around here, standards of official conduct is one area where things should be done on a bipartisan basis.

In light of this history, Members should be on notice that amendments with bipartisan cosponsorship will be viewed more favorably than partisan amendments. Any Member who desires to submit an amendment should submit 55 copies and a brief explanation of the amendment by 10 a.m. this coming Tuesday, September 16, to the Committee on Rules in Room H–312 in the Capitol.

Members should also use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Mr. Chairman, I would advise Members to listen carefully to what I just said. It affects every Member of this House.

AMENDMENT OFFERED BY MR. RODRIGUEZ

Mr. RODRIGUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODRIGUEZ:

Page 66, line 20, after the dollar amount, insert ''(increased by $1,500,000)''.

Page 66, line 21, after the dollar amount, insert ''(increased by $1,500,000)''.

Page 73, line 15, after the dollar amount, insert ''(reduced by $1,500,000)''

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that the $1.5 million will be coming off the evaluation going into direct service to the Comprehensive Regional Assistance Centers throughout this country.

Mr. Chairman, I thank all of my colleagues for the comments that I have received from all the Members that were willing to testify. I am going to ask my colleagues to hold on their testimony, since it is my understanding that we have an agreement on the amendment.

Mr. Chairman, I do want to thank the gentleman from Illinois [Mr. PORTER] for his efforts and for agreeing to the $1.5 million. My thanks also to the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for their efforts.

Mr. Chairman, I would indicate again that the $1.5 million from evaluation goes directly for direct service to the Comprehensive Regional Assistance Centers. They are centers that basically provide the direct service that the teachers need in the classroom. They are the centers that provide the direct assistance that helps in terms of parental involvement. They are the centers that help also to enhance individuals and to enhance them to make sure that the teachers can deal with the new technology.

Mr. Chairman, one of the most important things is that we have a teacher that is well-qualified in the classroom. With that, Mr. Chairman, I ask for my colleagues' support.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the Rodriguez amendment, just indicating that in one area, and I am sure it can be emulated in many areas across the Nation, in region 15, the Comprehensive Center for the Pacific will take care of areas in the most remote part of the jurisdiction of the United States, areas in the Pacific like American Samoa, Micronesia, the Mariana Islands, Guam, et cetera.

Mr. Chairman, I urge support for the amendment on the basis that Mr. RODRIGUEZ has been able to put forward his amendment on a bipartisan basis.

☐ 1800

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the majority has looked at the amendment of the gentleman from Texas, and we are very happy to accept it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on this side of the aisle, we also accept the amendment.

Mr. REYES. Mr. Chairman, I rise today in support of this amendment offered by my good friend from Texas.

I support his amendment and the comprehensive regional assistance centers or CRAC's because they provide much-needed services to schools throughout this country. They are the most efficient source of information and services available under the Improving America's Schools Act, for local education agencies, tribes, and schools.

The CRAC's help districts revamp their curriculum to respond to the needs of disadvantaged, language minority, tribal, and migrant kids.

These centers work with State departments of education and with school districts in every State to assist them in important systemic reform and in providing technical assistance in critical areas such as technology in the classroom, special education, parental involvement, and the effective training of our countries' teachers.

The region 8 CRAC located in San Antonio supports the schools in my district of El Paso.

This CRAC and others provide a one-stop technical assistance shop for educators who receive title I funds.

The region 8 CRAC provides important services such as guidance to assist educators make informed decisions regarding the purchase of technology, professional development, curricula, and instructional materials.

The region 8 CRAC also provides easy access to accurate information about programs and practices that have proven successful in education children in other high-poverty areas and children from special populations.

Schools use the information provided by region 8 CRAC to help title I students learn.

I also know that other regional CRAC's have been successfully providing critical assistance to schools in other parts of the country.

For example, I know of one school district in Nebraska that has made great strides with the help of the region 7 CRAC located at the University of Oklahoma. The test scores of title I students in the Madison School District of Nebraska have greatly increased as a result of professional development and intervention by the region 7 CRAC.

Mr. RODRIGUEZ' amendment takes just a small percentage of the large increase in funding provided for the innovative education program for fiscal year 1998, but the amendment provides a large proportional increase for the CRAC's.

With the increase provided under this amendment, CRAC's can continue their quality service to school districts throughout this Nation.

The number of disadvantage, language minority, tribal, and migrant kids is increasing

every year, and as we enter the 20th century, the number of kids will continue to rise. We must be prepared to meet the needs of these students.

Vote for the Rodriguez amendment and help these centers continue the quality assistance that they have been providing for the past several years and continue to help this Nation's children.

Mrs. MALONEY of New York. Mr. Chairman, I thank Mr. RODRIGUEZ for bringing this important amendment to the floor for a vote.

Comprehensive regional assistance centers are a vital resource for our educators, and they are the only source for federally funded comprehensive technical assistance.

They provide valuable resources for all of our children including children in high-poverty areas, children with disabilities, limited English-proficient children, and neglected or delinquent children.

I am fortunate to have one of these centers located in my district—the New York Technical Assistant Center [NYTAC] which is located at NYU's School of Education. I can see the positive influence that it has made.

It brings together five organizations in a partnership to provide technical assistance to the New York State Education Department.

It is one of 15 programs designed to assist schools, districts, and State education departments in implementing the Improving America's Schools Act. Children can only learn if those who teach them are endowed with the proper tools.

I was a teacher in the New York City public schools, and I know the necessity of having good and current resources at your fingertips.

If we do not give our educators the proper tools, we rob our children of their best chance at receiving a good education.

I urge my colleagues to vote for the Rodriguez amendment, for our Nation's schools, our children's future.

Mr. TORRES. Mr. Chairman, I rise in support of the Rodriguez amendment. We have heard a great deal about education standards throughout this debate. We all agree that it is time to improve the standards of education for all children in this country. The Rodriguez amendment advances this effort by increasing funding for the comprehensive regional technical assistance centers. These centers are designed to support students who most need educational assistance. The children of low-income families, homeless children, neglected and delinquent children, the children of migrant and immigrant families. These are the children that we have allowed to fall through the cracks of our educational system. These are the children from poor and underprivileged areas. These are the children in need, and deserving of our increased attention and assistance. If we, as a nation, are concerned about the standards of our public education system, if we are concerned that children with learning disabilities and limited skills in English are not advancing as they should be, we should support the network already in place to achieve these goals.

The comprehensive regional technical assistance centers not only support the students who most need it, but also assist in developing the management of schools and the learning environment required to meet the challenges of needed school reform. Keeping the schools safe and drug free, applying new technology for teaching and learning, continually evaluating the school systems, all of these activities are conducted by the comprehensive regional technical assistance centers. These 15 regional centers act as the coordinating mechanism to implement and initiate programs, integrating efforts of State and local agencies with the Department of Education.

For example, in my home district, the Southern California Comprehensive Assistance Center sponsors a new teacher induction training. This workshop assists new teachers in setting goals and assists school administrators in designing support interventions for their new teachers. Teachers and administrators get the opportunity to practice listening skills, improving their ability to communicate with students.

The center also sponsors a reading success network. This is a rigorous early intervention program designed to identify reading difficulties and promote students to appropriate grade levels. The center provides training, materials, and on-going assistance to administrators and parents through their web site. These are just a few of the programs and services that the Southern California Comprehensive Assistance Center has developed to advance the standards of education in region 12 and in our Nation.

This amendment is not about expanding big government or increasing Government regulations in schools. Rather, this amendment is about enhancing the network of support that our State and local educational agencies need to meet the special needs of students in rural and urban areas. If you stand for equity in education, if you believe that all children deserve a fair chance at the education they deserve, if you believe that we need to uphold high standards for education, I urge you to vote for the Rodriguez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. RODRIGUEZ].

The amendment was agreed to.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

I would like to thank the distinguished subcommittee chairman, the gentleman from Illinois [Mr. PORTER], for providing sufficient funding for the program of the Substance Abuse and Mental Health Services Administration. I would like to ask him to engage in a discussion with me regarding SAMHSA.

The subcommittee has included language in the committee report urging the Center for Substance Abuse Treatment [CSAT] to assist corporations that are administering residential treatment for pregnant and postpartum women grants. These are programs that are experiencing difficulty complying with the match requirement.

I understand that the committee's intention with this language was to encourage CSAT to explore utilizing existing administrative authority to waive the match requirement for these grantees.

I also understand that CSAT has determined that they do not have enough existing administrative authority to waive the match requirement. So under these circumstances, would the gentleman from Illinois consider including in the conference report on H.R. 2264 legislative language providing CSAT the authority to waive the match requirement for PPW grantees?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentlewoman from California is correct. It was the committee's intent to encourage CSAT to utilize existing administrative authority if that authority were available to waive the match requirement for PPW grantees experiencing difficulty in meeting the match requirement.

In an attempt to address the gentlewoman's interests and the concerns of PPW grantees experiencing difficulty in meeting this match requirement, the committee will consider providing waiver authority if agreed to by our colleagues in the House Committee on Commerce when H.R. 2264 is considered in conference committee.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman. His expression of support and his interest in this matter is very important to me.

AMENDMENT NO. 2 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ENGEL:

Page 74, line 3, after the dollar amount insert ''(increased by $100,000)''.

Mr. ENGEL. Mr. Chairman, the amendment I am proposing to the Labor-HHS-Education appropriations bill would add $100,000 to the Department of Education's program management account so that the Department can expand its Website to include enhanced information on private scholarships and financial aid.

I am proposing this amendment along with my New York colleague and good friend, the gentlewoman from New York [Mrs. MCCARTHY]. In 1992, the Higher Education Act was amended to require the Department to compile a database of all private and public student financial assistance programs. The department conducted a study in 1994 and found that the database would be beneficial because it would create a one-stop shopping area where students could access financial aid information through telephone, computer discs, and on-line services. However, funding for the program was ended in 1995 and has not been funded since that time.

This amendment would simply provide the Department with the necessary resources to expand its existing Website so that it would include the information required by the Higher Education Act. The funding would allow the Department to create on-line directories and establish links to post-secondary education institutions, financial aid offices, and government agencies that provide scholarships for students.

At a time when students are having more difficulty than ever in financing their education, we need to provide an objective, comprehensive outlet where available aid can easily be accessed. This problem is compounded by the fact that many students have been the victims of scams by fraudulent companies that pose as legitimate scholarship search services. Students often sign up and pay for services that claim to guarantee scholarships or financial aid. However, there are many scam artists out there who promise financial aid but never deliver on this promise leaving innocent students without the assistance they need.

Creating a centralized, reliable Website containing accurate information through the Department of Education would help students find the information they need to obtain funding for higher education.

The gentlewoman from New York [Mrs. MCCARTHY] and I introduced legislation earlier this session that would require the Department to provide direct links from its Website to databases that contain reliable information on scholarships, fellowships, and other student financial aid. Helping the Department create a thorough database as required by law could be even more beneficial to students in their efforts to pay for an education.

Education is an investment in our future. Students already have a difficult time financing their studies as well as obtaining reliable information. One only has to look at the cost of higher education in this country. It has gone sky high each and every year and so our students are more and more dependent on financial aid.

Government ought to be facilitating this, making it easier for them to find out where they can get such financial aid, not making it harder. The amendment that I propose along with the gentlewoman from New York [Mrs. MCCARTHY] will do just that. We urge our colleagues to support this amendment so that we can help our young people further their academic pursuits.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend my friend from New York for his creativity and his frugality, and the majority is pleased to accept his amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we also accept the amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Engel-McCarthy amendment to the Labor-HHS bill. Our amendment would provide $100,000 to the Department of Education to provide up-to-date information about financial aid and scholarships on its Website. I am a big believer in education. If we can make higher education accessible to more young people, then we will provide them with more opportunities and more hope for the future.

What has us all worried is the cost of a college education is rising every year. I spend every Monday and Friday visiting the schools in my district. The students I talk to tell me they are depending upon scholarships and other kinds of aid to help pay for college. The World Wide Web has placed a lot of reliable information about scholarships at the fingertips of these students. But the Internet also is being used by scam artists and conmen to fool students. These scam artists establish Websites with official sounding names. They use hard sell tactics like time limits, excessive hype to throw students off guard, and they promise students guaranteed scholarships if they pay up front fees.

Many young people have been lured into these Websites and after paying their money they have learned that there are no scholarships. This is wrong and it is time we did something about it. The Engel-McCarthy amendment would provide the Education Department with the money it needs to broaden its Internet site.

This will give more students and their parents access to legitimate information about scholarships and financial aid. It will warn students about Websites that are frauds. This small investment will move us toward our goal of making sure that a college education is in reach of more Americans. It will keep kids from wasting their money on fake scholarships. I urge my colleagues to support the Engel-McCarthy amendment.

I would like to thank the gentleman from Illinois [Mr. PORTER] and certainly the gentleman from Wisconsin [Mr. OBEY] for supporting us on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title III is as follows:

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A and B, VI, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,480,888,000, of which $1,219,500,000 shall become available on July 1, 1998, and remain available through September 30, 1999: *Provided,* That of the amount appropriated, $310,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act, $350,000,000 shall be for innovative education program strategies State grants under title VI–A of said Act and $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of said Act.

LITERACY

(INCLUDING TRANSFER OF FUNDS)

For carrying out a literacy initiative, $260,000,000, which shall become available on October 1, 1998 and shall remain available through September 30, 1999 only if specifically authorized by subsequent legislation enacted by April 1, 1998: *Provided,* That, if the initiative is not authorized by such date, the funds shall be transferred to ''Special Education'' to be merged with that account and to be available for the same purposes for which that account is available: *Provided further,* That the transferred funds shall become available for obligation on July 1, 1999, and shall remain available through September 30, 2000 for academic year 1999–2000.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $354,000,000: *Provided,* That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further,* That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $4,348,647,000, of which $4,117,186,000 shall become available for obligation on July 1, 1998, and shall remain available through September 30, 1999.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,589,176,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $8,186,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,841,000: *Provided,* That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $80,682,000: *Provided,* That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, $1,486,975,000, of which $1,483,875,000 shall become available on July 1, 1998 and shall remain available through September 30, 1999; and of which $4,491,000 from amounts available under the Adult Education Act shall be for the National Institute for Literacy under

section 384(c): *Provided,* That, of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: *Provided further,* That the Secretary may reserve up to $4,998,000 under section 313(d) of the Adult Education Act for activities carried out under section 383 of that Act: *Provided further,* That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,046,407,000, which shall remain available through September 30, 1999.

The maximum Pell Grant for which a student shall be eligible during award year 1998–1999 shall be $3,000: *Provided,* That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1997 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $47,688,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part A and subpart 1 of part B of title X of the Higher Education Act of 1965, as amended, the Mutual Educational and Cultural Exchange Act of 1961, and Public Law 102-423; $909,893,000, of which $13,700,000 for interest subsidies under title VII of the Higher Education Act shall remain available until expended: *Provided,* That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1998-1999 for fellowships awarded originally under part C of title IX of said Act, under the terms and conditions of part C: *Provided further,* That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1998 as in fiscal year 1997.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $210,000,000: *Provided,* That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to facility loans entered into under title VII, part C and section 702 of the Higher Education Act, as amended, $698,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102, sections 3136 and 3141 and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, $508,752,000: *Provided,* That $50,000,000 of the amount provided for section 10101 of part A of title X of the Elementary and Secondary Education Act shall be for grants to local educational agencies to demonstrate effective approaches to whole school reform.

LIBRARIES

For carrying out subtitle B of the Museum and Library Services Act, $142,000,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $329,479,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,449,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $30,242,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. None of the funds appropriated in this Act may be obligated or expended to carry out section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 305. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 306. Notwithstanding any other provision of law, from funds appropriated under the Fund for the Improvement of Education, the Secretary of Education shall make an award, in an amount not to exceed $1,000,000, to the National Academy of Sciences to evaluate and submit a preliminary report by June 30, 1998 and a final report by August 31, 1998 to the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives on the following items with respect to the Administration's proposed national tests in 4th grade reading and 8th grade math: (1) the technical quality of the work performed under the test development contract(s), linking activities, and contract(s) for providing the tests to States and school districts; (2) the adequacy of the administration of the field tests; (3) the validity and reliability of the data produced by the field tests; (4) the reasonableness and validity of the contractors' design for linking test results to student performance levels; and (5) the degree to which the tests can be expected to provide valid and useful information to the public: *Provided,* That in no event may the Department of Education proceed to administer any final version of the tests, until such time as a final National Academy of Sciences report is completed.

SEC. 307. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the Higher Education Act, except for grants made under section 326, may use up to twenty percent of its award under part A or part B of the Act for endowment building purposes authorized under section 331. Any institution seeking to use part A or part B funds for endowment building purposes shall indicate such intention in its application to the Secretary and shall abide by departmental regulations governing the endowment challenge grant program.

SEC. 308. AMENDMENTS TO ELIGIBLE LENDER DEFINITION.—Section 435(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1085) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: ''; and in determining whether the making or holding of loans to students and parents under this part is the primary consumer credit function of the eligible lender, loans made or held as trustee or in a trust capacity for the benefit of a third party shall not be considered'';

(2) by striking ''and'' at the end of subparagraph (I);

(3) in subparagraph (J), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(K) a wholly owned subsidiary of a publicly-held holding company which, as of the date of enactment of this subparagraph, through one or more subsidiaries (i) acts as a finance company, and (ii) participates in the program authorized by this part pursuant to subparagraph (C).''.

This title may be cited as the ''Department of Education Appropriations Act, 1998''.

The CHAIRMAN. Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,777,000, of which $16,325,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DICKEY] having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. OBEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD extraneous material on H.R. 2264 relating to the issue of school reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON PAYMENTS MADE TO CUBA PURSUANT TO CUBAN DEMOCRACY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the ''CDA''), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the ''LIBERTAD Act''), which requires that I report to the Congress on a semiannual basis detailing payments to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. Telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the ''CACR''), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$13,997,179
AT&T de Puerto Rico	274,470
Global One (formerly, Sprint Incorporated)	4,857,205
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	1,427,078
MCI International, Inc. (formerly, MCI Communications Corporation)	4,066,925
Telefonica Larga Distancia de Puerto Rico, Inc.	113,668
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,032,250
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	1,378,502
Total	31,143,432

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 10, 1997.*

□ 1815

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

[Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. PAPPAS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California [Mr. FILNER] and to proceed at this time.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRIBUTE TO THE HELLENIC DANCERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, one of the greatest strengths of our great Nation is the diversity of our people, cultural, religions, and heritage. Every American has a story to tell of where their family is from. Whether you can trace your roots back to a particular native American tribe or to another country, maybe across the sea, many of us seek out ways to preserve what has been passed down to us so that we may pass it along to the next generation.

This year marks the 25th anniversary of the Hellenic Dancers of New Jersey, a group that has dedicated themselves to perpetuating Greek culture through dance. For those of us, including myself, that are of Greek ancestry, the service this group provides is invaluable. Aside from performing the dances of Greece, the Hellenic Dancers are committed to researching, documenting and educating others in the Greek heritage.

The dancers are a group of Greek descendants that travel each week without compensation from every part of central and northern New Jersey to perform and share the Greek culture. They have also ventured outside of New Jersey, from coast to coast in this Nation, with their music and dance recognizing the spirit of Greeks that have gone before, the Greeks that have brought so much to this country, and those Greek-Americans living here today.

Over the past 25 years, the group has grown tremendously. What began with a few members now numbers well into the hundreds of selfless individuals who share the songs, dances, and traditions that have been passed along to them.

Greece has survived through a great deal of turmoil over the years and has reached maturity because its people, proud, freedom-loving, God-fearing and peaceful, have nourished and upheld the ideals on which their nation was founded. It is this heritage that we, the

thousands of Greek-Americans, bring to the United States and share with our fellow citizens.

I would like to congratulate Father Jim Chakalos and his wife Eleni Chakalos, who is the group's dance director and codirector Vasilis Brembos in their efforts.

Greece has sent some of its brightest to the shores of America to pursue dreams in this the land of opportunity, and I applaud the Hellenic Dancers for giving those Americans of Greek descent a means by which to connect to their past.

Tonight, as I stand before my colleagues, the grandson of Greek immigrants, I am pleased to recognize the investment the Hellenic Dancers have made in the future by preserving the past, and I wish them well as they continue to dance and sing into the future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

[Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ORDER OF BUSINESS

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent that the order of the 5-minute special orders granted today to the gentleman from Montana [Mr. HILL] and myself be transposed, and that I be allowed to proceed at this time.

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

There was no objection.

DEDICATION OF NEW STERN CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX. Mr. Speaker, I appreciate the opportunity to address my colleagues tonight to salute a special facility within my district that recently opened, the Raymond and Ruth Perelman Jewish Day School. This is a very special facility. It is going to serve 600 students. It recently opened, and I can tell you this, it is going to be one of the most outstanding facilities in our area of Montgomery County, PA.

The Director of the Center is Dr. Steven Brown. The individuals who brought it together, frankly that really did quite a job to make sure that the facility did in fact come to fruition, included such individuals as Paul Silberberg and his wife, who are dedication cochair, along with Alan Casnoff and his wife Debbie.

This has been a long time coming as part of the Solomon Schechter Affiliate and part of the New Stern Center. The facility is one where they are going to give people, these young students, the opportunity to not only participate in important class work and religious instruction, but also in community involvement with visits to local governmental offices to get students involved, at the earliest ages involved in their community service, which we think is so important to the rounding out of every young person in their exciting work with the schools as part of the entire campus, one that is involved greatly in the community with the Kaiserman Center right next door.

This is a sister school, the Ray and Ruth Perelman School, sister school to the Forman School, which is in Elkins Park, PA, and together they represent two of the most outstanding schools in the country.

So on the opening of the school with 600 students and over 100 faculty and staff, we congratulate all those who helped make this possible. The board of directors, board of trustees, the faculty, the principal, all them should take great pride in knowing they are going to bring about, with young students who may go on to be President, may go on to be great leaders in medicine, the arts, science, make great contributions to this country.

Joseph Finkelstein is the president of this day school and Jay Leberman is the head of the school and Sybil Levine is the principal, and together they represent the leadership within the school facility; and we expect that this will be one that we will hear about for many years to come, and I wanted to take this opportunity to congratulate them on their opening and wish them everything good for the future.

RECLAIMING OF SPECIAL ORDER TIME

Mr. HILL. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

JOIN IN SUPPORT OF CAMPAIGN INTEGRITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. HILL] is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, recent campaign finance revelations only make me more convinced than ever that now is the time to bring accountability back to the political system, and I want to urge my colleagues tonight to make campaign finance reform changes now and make it a reality now by joining with those who are cosponsoring the bipartisan Campaign Integrity Act.

I have heard a lot of Members take the floor, urging Congress and the leadership to bring campaign finance reform to the floor this fall; and I am one of those that join in asking our leadership to do that. But I would say to those that have taken the floor urging campaign finance reform that they ought to show the sincerity of their commitment by joining with those of us who worked to build the bipartisan Campaign Integrity Act.

This is an effort that resulted from a task force of freshmen, Republican freshmen and Democrat freshmen, who met together over a period of time and held hearings and developed a bipartisan effort; and I would like tonight to just address briefly for the House what those reforms would do.

First of all, and I think most important, it would ban soft money. I want to remind my colleagues what soft money is. Soft money is corporate contributions, it is labor union contributions, and it is large contributions that arise from individuals that are given to the national parties.

What is particularly insidious about soft money is, first of all, there is no limit on where it can come from or in what amount that it can be raised. But probably even more concern arises out of how soft money gets used, or at least was used in the last political cycle.

Many of us, I think, can recall the last series of campaigns in which there was probably more than ever negative political campaign advertising. And one of the reasons for that was that soft money can only be used for issue advocacy, and more often than not, it is used under the term ''issue advocacy'' to attack an incumbent. That led to more negative campaigning in the last cycle than perhaps we have ever seen.

This bipartisan effort would ban soft money going to the national political parties. It would ban soft money from corporations, it would ban soft money coming from labor unions and it would ban soft money coming from individuals.

That is not all that it does. It also requires greater disclosure, greater disclosure from those people who in the last campaign cycle, for example, did independent advertising, advocating issues that really were targeted at either unseating an incumbent or defeating someone, but under the name ''issue advocacy'' ran negative political campaigns.

It would require those organizations that buy broadcast advertising, radio

and television advertising, to disclose that to the House of Representatives so the citizens would be fully informed about where that money came from and where that money would go.

But banning soft money to the national parties is not all that we should do. I believe that we also have to look at where the source of soft money comes from, independent of the parties; and that is why I am also a cosponsor of the Paycheck Protection Act.

The Paycheck Protection Act, Mr. Speaker, would prohibit employee wages or dues from being withheld or used for political purposes without the written consent of the wage earner.

Why is that important? Today, literally millions of wage earners are having their paychecks reduced, with the money going to political purposes over which they exercise no control. And what the Paycheck Protection Act would say is that that money cannot be taken from their paycheck without first getting their written consent to use it for political purposes. It can be used for other purposes, collective-bargaining purposes, for information purposes, but, Mr. Speaker, it could not be used for political purposes.

This is one of the largest areas of soft money abuse that is occurring today.

So, Mr. Speaker, for those who have taken the floor and have said, let us take up campaign finance reform, I would say to them join with the bipartisan group that are sponsoring the Campaign Integrity Act and who is sponsoring the Paycheck Protection Act.

RECLAIMING OF SPECIAL ORDER TIME

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

BOTH PARTIES SHOULD WORK TOGETHER TO MOVE AHEAD ON CAMPAIGN FINANCE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I want to recognize my friend, the gentleman from Montana [Mr. HILL], for his leadership on this very important issue. He has worked very diligently and hard on the campaign finance reform task force that has produced the bipartisan Campaign Integrity Act of 1997, and I want to congratulate him and thank him for his comments and associate myself with those comments on this key area of reform.

I also want to compliment my colleagues on the other side of the aisle who have joined together in a bipartisan fashion to formulate this very important step forward in an incremental fashion to accomplishing significant campaign finance reform legislation. I hope that as a result of all of our efforts we can do something good for the American people.

As I sit here in Congress now and think about some of the objections that are raised and also some of the urgings to bring this legislation to the floor, I cannot help but think that as we fight this battle together, there are supporters and detractors of campaign finance reform legislation on both sides of the aisle. We have got good friends on the other side that support this, we have opponents on the other side; and the same thing on the Republican side of the aisle.

We have to forget pointing fingers at each other and move toward working together to accomplish this. I think that we can do that.

There are other people who say, well, let us just have campaign finance reform legislation, but let us do not ban soft money. I do not believe that we can have legitimate campaign finance reform legislation that will be accepted by the American public unless there is a ban on soft money.

Now, there are certain objections that are raised, people who say, well, in our system, and I hear this particularly from our side of the aisle, that if we close the loophole in this area, the money will continue to flow in campaigns. And I will acknowledge that whenever we have campaigns and we have politics that center around power we will have money flow to those centers of power. That is the nature of it.

But there are two ways we can address campaigns in America. We can take all the limits off. We can take all the rules off and just let the money flow. I personally believe that that is a step in the wrong direction. We should have campaign limits, spending, contribution limits. I think that is appropriate as long as it is within the first amendment. So we have to have some rules.

And any time we have a system of rules, from time to time, we will have to adjust those rules. We are in that phase right now.

The last time we had significant reform was after Watergate. The freshmen rose up and accomplished reform during that time. I believe the freshmen can do that same thing today and move this bill forward and accomplish this, and it has to start with banning soft money.

Yes; there will be other loopholes down the road, but we have to address the most significant problem now, and that is soft money and we can do that.

□ 1830

There are some people who raise an objection to banning soft money by saying, ''Well, you're going to give an advantage to the other side.'' I believe that that is incorrect. We look at the statistics and this comes from the Center for Responsive Politics, based on the Federal Election Commission reports. It found in the 1996 election cycle that the Democrats raised $122 million in soft money, the Republicans raised $141 million. Yes, the Republican side is a little bit more, but we were in the majority at that point. So it is roughly equivalent what each party raised in soft money, whether it is labor money or corporate money.

So if you ban soft money, you keep the playing field level. As a former State party chairman, I think that is the first criteria of election reform, of campaign finance reform, that you keep a level playing field so everyone can compete fairly and honestly within the system. The Bipartisan Campaign Integrity Act of 1997 does this. It meets those objectives. It restores confidence in the system. It increases disclosure, increases information to the American voter. It empowers them by making their contributions once again more meaningful.

That is why this is good legislation. I have urged my Republican leaders to move this legislation forward. I congratulate the gentleman from California [Mr. THOMAS], the chairman, who has taken a strong position. He is going to conduct a hearing on this legislation. I hope it will come this fall. I think the time is right right now for this legislation to move forward in the U.S. Congress.

CAMPAIGN FINANCE REFORM, SECRETARY ALBRIGHT'S REMARKS, AND NAFTA

The SPEAKER pro tempore (Mr. PAPPAS). Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me first and foremost commend the gentleman from Arkansas for his good words on campaign finance reform. I join him in that pledge to ban soft money. We did a lot of campaign finance reform in the State of Florida. We reduced the size of the donation from PAC's and individuals. We cleaned up the process, and we made a difference. The American public needs to see real campaign finance reform.

I am particularly impressed the gentleman from Arkansas [Mr. HUTCHINSON] has been so aggressive in this pursuit as a freshman in this Congress looking to change the way we do business, and I think it is vital. I think the American public distrusts politics, they do not like the way the system operates and clearly revelations that have been going on in the news media have embarrassed us further. I join him in the pursuit of that reform, soft money bans and other things that will lend some credibility to the U.S. Congress and what we do here.

I also want to commend Secretary Madeleine Albright for her diligent pursuit of peace in the Middle East for the concerns that we all share in this country for peace and stability in the

Middle East. I am particularly impressed how President Clinton has dealt with the situation in Northern Ireland, the new Prime Minister of England, Tony Blair, and others who have been so aggressive in working on peace, peace in the northern portion of Ireland. It is as a result of all parties being brought forward at the table to talk seriously about peace in those regions. That will be the only way we will see peace in the Middle East, is if the parties join together in a pursuit of peace. That includes Yasser Arafat, that includes the Israelis, that includes everyone who is in the region, to start absolutely sitting down to negotiate peace so we can end the bloodshed, end the terror, end the endless killings that are taking place against innocent citizens who just want to live life and are being and having their lives destroyed.

I want to commend Secretary Albright for her engagement there and for her stern words today to end terrorism. I urge her to continue that profile, and I urge the White House to do the same so that we can hopefully eliminate the scourge of terrorism in that region of the world.

The President is going to be requesting fast track authority to our Latin American neighbors. The Florida delegation met today. We had some very serious concerns of granting additional fast track authority to any other nation. Let me speak for myself and not the delegation, because I have significant concerns about what has happened as a result of NAFTA. I can go down the litany of problems we have experienced since NAFTA was passed. We can talk about the increase of drugs coming across our borders, unchecked because of this new policy of bringing all goods in in an expedited fashion.

Immigration was supposed to benefit from NAFTA. We have not seen that. We have seen increased illegal immigration occurring on our border States, increased problems with immigration, and the conditions really not being lifted, if you will, in Mexico itself.

Labor standards are another problem. I visited Mexico and I witnessed children working in the fields, children working in the packaging plants, the spraying of pesticides that are banned in the United States. Again our labor standards, our child labor laws that we hold dear in this country are being violated in Mexico and the bottom line of all that was supposed to be a benefit for the consumers. Somehow through international trade we were going to bring about some benefits to the consumers, that they would save money. The price of a Mexican tomato and an American grown tomato in Florida is equal at the grocery store. So we have shifted jobs out of the United States, we have given a preferential advantage to the growers in Mexico, they violate what would be considered decent American standards on labor, and ultimately the consumer pays the same amount of money. Then we are having fear of food safety as a result of problems that are being incurred in the system of salmonella and other kinds of problems, the problems in the berries we have recently witnessed, in the strawberries with our school children. Clearly we have a concern.

Mr. Speaker, I can just tell my colleagues as a Member of Congress when we had the big debate on most-favored-nation status for China, the White House, the Trade Office and everyone came over to our office pledging some changes in policy as it related to introduction of citrus to China, a major export for the State of Florida and for the United States, California as well. Prior to the vote I was visited by every official saying, ''We are going to work strenuously on these problems you have raised, Congressman Foley. We want to help solve these problems and we're going to make it our priority to see that these things are fulfilled.''

We have the most-favored-nation status vote, I vote for it hoping that we are going to see a break of the logjam of problems with the most-favored-nation and China will take our citrus to their Nation, we can do some common dialog on business pursuits. Not a word since that vote. No one has called me to suggest we are making some progress now. They do not need my opinion or vote any longer because the vote is already cast.

I can tell my colleagues that the vote is not going to be easy on fast tracking with Latin America. I am not going to take side agreements or snapback provisions. I want it to be in rule of law that we can understand the dynamics by which trade will be negotiated with our Latin American neighbors.

CAMPAIGN FINANCE REFORM: A DEMOCRATIC PERSPECTIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine [Mr. ALLEN] is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, we have heard during some of the 5-minutes a bit earlier about the topic of campaign finance reform. I want to put that on our agenda tonight for a conversation among Members on the Democratic side of the aisle. I want to begin by drawing a contrast. This Congress is spending millions of dollars and months of activity to investigate alleged abuses in the 1996 election. The question that people across this country need to ask is will this Congress not just investigate, but will this Congress legislate, will we start to do something about the problems of our campaign finance system?

I believe those problems are clear and apparent. We know what they are. Those problems are highlighted and I think many of us in this Chamber could come up with a campaign finance reform bill. The problem would be that those bills would differ greatly from one another and in fact they do. We have over 80 campaign finance reform bills in this legislature, in this House right now.

So the question is, how can we come together? How can we reach a conclusion and get to some success? One of the problems in our campaign finance system, one of the problems, is that soft money goes to the national parties in unlimited amounts, it goes from corporations, it goes from unions, and it goes from wealthy individuals. There are no limits to the soft money that can be contributed to the national parties. I will come back in a moment to the bipartisan freshman bill which addresses soft money and a couple of other matters, because I do believe in that freshman bill. I think that it is the major bipartisan effort in this particular Congress.

I want to say at the beginning, this issue is becoming a partisan issue and Democrats are rising up and demanding that we have a vote on campaign finance reform before we go home in the fall. But it does not have to be a partisan issue. In fact, the freshmen showed on a bipartisan basis with six Republican freshman and six Democratic freshmen that we could develop a proposal that would cross party lines and represent significant reform.

Let us step back just for a moment and look at what happened in the last cycle: $240 million in soft money contributions were made to the national parties. The way that money is used now is different from the way it was planned when the law was first introduced. When this law was first introduced, this money, soft money, was to go to party-building activities, the kinds of activities that involve grassroots activities, that encourage the participation of the people across this country. I know that during this last campaign, I had a letter from one of my constituents, he sent me a $20 check, and he said, ''I hope when you get to Washington, you don't forget the people from the grassroots who sent you there.'' A $20 check.

I believe that soft money, $100,000, $500,000, million-dollar contributions diminish the role of every small contributor and every voter. If we look at what is happening to our campaign system in this country, there is too much money in politics, the amount of money is growing too fast, and this institution is becoming more and more affected by money. We have to change that. We cannot do it all at once, but we need to turn back the clock and start to make a difference. I think that is what we are here for tonight. I am happy to talk about some of the proposed solutions.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KIND. Just to pick up on a point the gentleman was making a little earlier, is that not really the crux of the issue, and why we are working so hard in the freshman class at least to enact campaign finance reform? It is about the influence of money in the political

process, the fact that there is too much in it. All of us Members know what is going on around here. The system stinks. It is run amuck. There is too much money in the political process.

Back home in western Wisconsin, the area that I represent, you talk to anyone on the main streets in any of the small towns in western Wisconsin, they all feel the same way, that there is too much money in the political process and it influences what takes place out here, the decision making process, what the agenda is ultimately going to be and the final decisions that are ultimately reached.

The gentleman talks about his contributor back in Maine who sent the $20 check with the proviso to not forget about the average person, the common person. Again, that is really at the heart of this issue right now.

I have been a proud Member of the bipartisan freshman task force these past 8 months working with my distinguished colleague from Maine. It has not been easy. There has been no issue that has been more frustrating, I think, to work on in this session of Congress than try to enact a piece of finance reform which can receive some bipartisan support. I think the legislation that we are reporting out, that we are offering as a proposed change to what is going on right now, is good. It does take care of a lot of the poison pills that both parties wrestle with, which are basically nonstoppers in this debate and is something that we all hope right now since we put in so much work in a bipartisan fashion that we will at least get a hearing from the House leadership, the majority party, willing to schedule this for the debate and for the vote and the ultimate decision on the House floor, so we have a better understanding who here, what Members in this institution, with the proud history and the proud tradition that the U.S. Congress has, where each individual Member stands on the need to get big money out of the political process.

I do not think there is any bigger issue that we should be dealing with in this session of Congress, but I am fearful that time is running out. We have just a very short period of time left in this session, in this year, before we adjourn in the fall. Next year is going to be another political campaign season. Lord knows, it is going to be very difficult to try to enact any type of campaign finance reform at that time, with both parties and individual Members going home to campaign in their respective districts. The year after that, we are already starting to engage in the Presidential race in 2000, so I am not too optimistic that we are going to be able to take this issue on head-on. I think the time is now.

The excuses we are hearing daily, but the people back home do not want to hear the excuses anymore. Sure, we can investigate, sure, we can explore these issues of possible violations in the last campaign. As a former prosecutor myself, we hold people responsible when they do violate the rules and do violate the laws, but there is no excuse to wait and postpone what I view as a very important issue in this fall, in this session. I, along with a lot of the other Members, are calling on the majority leadership to give us our day on the House floor. After all, is that not what democracy is all about?

□ 1845

Mr. ALLEN. I would be happy to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding and for arranging for this special order where we would have an opportunity to talk about campaign finance reform, since we are precluded from talking about this in the regular order of business because of the reluctance or complete unwillingness of the Republican leadership to schedule this vote.

I want to commend the gentleman from California [Mr. ALLEN] and the gentleman from Wisconsin and your colleagues, on both sides of the aisle, who worked on this bipartisan reform.

I think one of the important highlights of the reform that the gentleman put together was to show that, in fact, it could be done on a bipartisan fashion. Historically, when the Democrats are running the House, we reported out campaign finance reform. It was reported out of the House and sent to the Senate and died. It was reported out of the House at one point and sent to the President and President Bush vetoed the bill. The theory was, as the gentleman from Wisconsin [Mr. KIND] said, the advantage had to immediately go one place or another.

I think what the freshman task force has shown is, in fact, we can achieve legislation that cleans up this absolutely unacceptable finance system that we have today, and it can be done with agreement between Republicans and Democrats on how that can be done.

At a minimum, that ought to be allowed to be heard in this, the people's House. The notion that we now have is essentially one individual, the Speaker, standing in the way of the people of the United States being given a chance to hear a debate and to resolve some questions about campaign finance reform and about a current system that is corroding and corrupting the principles of democracy.

Mr. KIND is quite correct. This is changing the way we make decisions. It was not by accident that the tax bill that we just passed was late at night, loaded up with a number of provisions that go to benefit people who had made huge soft money contributions, huge soft money contributions, and they were put into a bill that none of us knew about until after the fact.

That is what is happening when people give parties, give individuals hundreds of thousands of dollars, they expect something in return. It is just a simple fact. And that soft money is now becoming inconsistent with our acting in a democratic fashion about the issues that confront this country and confront our constituents.

I have to tell the gentleman that I think that as this issue progresses, as we continue to demand a vote by this House on these issues, that hopefully part of that process will be to give air to the proposal that the gentleman has brought forward to this House, because it does, as the gentleman points out, contain a ban on soft money. I think it is terribly important.

That soft money is overwhelming everything we try to do in our districts. You can go out and run a grass-roots campaign, and go out and shake every hand and knock on every door, go to every rotary and Lions Club, meet with all the business organizations, and what happens, a couple of weeks out from the election, boom, you get hit with a media campaign, and it is about soft money and it is about characterizing your record, and it undoes your relationship with your constituents. It puts mistrust in, it characterizes you in a negative fashion, and you have no ability to fight back.

The old campaigner, the gentleman from Wisconsin [Mr. OBEY] is here, he was one of the authors of the campaign reform that came out of Watergate. Those limits, that have in fact worked, have been overwhelmed by soft money.

I want to again commend the gentleman for this special order, for all of the time the gentleman has spent in hammering this out, and I want to thank our colleagues on the other side of the aisle that tonight spoke out in favor of the gentleman's legislation and in favor of a ban on soft money. Hopefully, more of them will do that, and we will eventually have a vote to end the influence of soft money in politics.

I thank the gentleman for yielding.

Mr. ALLEN. I would be happy to yield to the gentleman from Wisconsin, Mr. OBEY. The gentleman has been around for a while, and has been through several periods of reform.

Mr. OBEY. Well, I thank the gentleman for yielding. I simply wanted to take this opportunity to again congratulate the gentleman personally for his leadership in this area, also to congratulate my two Wisconsin colleagues, Mr. KIND and Mr. JOHNSON, and the others who are here and the others who participated in developing this proposal.

I think it is incredibly sad that the original intention of the reforms back in the midseventies have now been so subverted by both misguided Supreme Court decisions and clever lawyering on the part of people who want to influence politics.

The Supreme Court a long time ago passed a one man-one vote decision. One of the reasons that Congress passed campaign finance reform legislation in the seventies was because we wanted to see to it that the one man-one vote philosophy was adhered to,

and that the man who had the money would not, in fact, be able to overwhelm the voice of the man who did not have the money, whether it be a candidate or an average citizen.

That is, I think, going to have to be at the core of any changes that we make. When we passed that bill a long time ago, we thought that what we were doing was passing legislation which would limit to $1,000, period, what any individual could give, whether he was a man of moderate means or a millionaire. And we thought that the most that any organized group would be able to give would be $5,000, and that that would both be on the top of the table, not under the table, fully reported, fully disclosed.

Instead, today we have a system in which one person in my State has been able to contribute more than $1 million to the political operations of the Speaker, and if it were not for the aggressive actions of reporters, no one would ever have known where that money was coming from.

I think we have to have, as in any reform effort, as the core of the effort, the effort of the gentleman and his colleagues to severely limit or eliminate soft money, and I hope we can also add to that other provisions that are necessary so that we end these phony independent expenditures, we end these phony issue advocacy campaigns, that are really efforts to get around the law.

We also, I think, have to educate the public they cannot expect candidates to be financed through immaculate conception. There are too many people that want to see us not accept any private money, but they do not want to support the principles of public financing, either.

I think people need to understand that campaigns are going to cost money and that they have to be financed, they should be financed in the most open possible way, which also makes certain that whether you are giving individually or collectively, that wealthy people cannot have an undue influence in American politics. I congratulate all of you for taking the lead in trying to be part of bringing that about.

Mr. ALLEN. I thank the gentleman from Wisconsin [Mr. OBEY]. As the gentleman well knows, there are a number of bills out there, and a number of different approaches to this particular set of problems, and certainly the freshmen are not saying there is only one answer. In fact, we are even saying that the bill that we have drafted is only a partial step toward more complete campaign finance reform, but it is a step in that direction.

Mr. OBEY. If the gentleman would yield further, I would simply agree with the gentleman from California. If you want exhibit A of why campaign finance reform is needed, it is the tax bill that just passed this place. There would not have been any $50 billion gift to the tobacco industry with the lights out. There would not have been any spectacular giveaway to Amway Corp. You would not have had those items.

So it is not that we are just interested in this for academic reasons. We are interested in this because without it, we cannot make things better in this country for working people.

Mr. ALLEN. I just want to also say that the gentleman from Wisconsin [Mr. OBEY], for those who may not know, has been in that chair almost all day today; he has been in this House chamber dealing with the Labor-HHS appropriations bill. The fact that the gentleman would stay here in this chair into the evening to speak out on this issue is something I want to commend the gentleman for and say we admire his leadership, and we know he is going to be back in that chair again tomorrow.

We will try to keep this going with Members from Wisconsin. I would like to yield to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Speaker, I appreciate the yielding, and I, too, appreciate the gentleman from Wisconsin [Mr. OBEY] staying here tonight and adding to our voices, because a veteran voice is needed here with the freshmen voices people are hearing.

We may think we are speaking to an empty House, but we know that across the country people are listening. People have been waiting for this word, and the word is rising up, not just here in Washington but across the country, that campaign finance reform is the order of the day.

People want to hear about it, people want to know about it, and I am especially pleased as a member of the freshman class that we are able to offer something. If it is my understanding, we have at least one promise. We have a promise to be heard in a committee; is that correct?

Mr. ALLEN. That is correct. The gentleman from California [Mr. THOMAS] of the Committee on House Oversight has stated publicly that he will hold a hearing on our bill. We just need to encourage the gentleman to hold it this year, and not in 1998.

I think that this session is drawing toward a close, and that is why we have Democrats here tonight, and Democrats standing up during the day, to say to the folks on the other side and say to the American people that this issue will not go away.

The American people care about this issue. They are not going to let it go and we cannot let it go. We have to do something about it, and we need to do something about it in 1997.

Mr. JOHNSON of Wisconsin. I thank the gentleman. We do have the promise, and I appreciate that.

The gentleman talked about what happened in Maine, and you have done a lot in campaign finance reform in Maine, California, and Florida. We have heard from their voices tonight, and Wisconsin. We know that people back in the States from different backgrounds are working together, tackling a problem together. It is not unusual.

In Washington, I think a lot of people have the perception that partisan conflict is the preferred order of business. So if you listen to what people think are the established rules that we have to follow in Washington, one of the rules may be that freshmen are not supposed to tackle big issues.

You hear that elected officials are not supposed to get serious about reforming the way that we pay for campaigns. After all, are we not concerned about reelection?

We are. This freshman class I think is different. We are not bound by old Washington ways. When we looked at the current campaign system, when those of us who came through it for the first time had to participate in it, we realized it is badly broken. Together we set out to fix it. We may be new to Congress, but we know that too much money is spent in political campaigns. Everybody knows that.

Real people just feel they are losing their voice in elections. We tonight are talking about a bipartisan approach on behalf of the freshmen, introducing a bill that takes aim at the system's largest problems, but not every problem.

It occurred to us when we first met as a freshman class and we talked about this when we got together in our orientation session, what can we look at, and we introduced then, from months of work, a bill that takes aim at the problems.

It does not touch every new answer of the system. It is not a big bill. It may not include every reform I want, it may not include every reform that the Republican colleagues want, but it is a giant leap toward bringing sanity back to the way we run campaigns.

It is a bipartisan bill, first of all. It would ban the millions of dollars in soft money used to dodge and evade the campaign finance laws on the books that were illustrated earlier in the soft money. If people did not understand, I think the words of the gentleman from Wisconsin [Mr. OBEY] tonight gave them a clear example.

The bipartisan freshman bill would demand accountability from the faceless outside groups who attempt to influence campaigns, so that when people see the commercials on TV, that they are not quite sure who they are from, but they know who they are about or who they are against, this bill would demand accountability.

□ 1900

It would raise the bar for candidate disclosure so people can identify where exactly a candidate gets his or her support. The reforms that we came through with are agreeable to freshmen in both parties and senior Members. They are responsible, they are workable within the current political climate. That is important.

While I have the opportunity, I want to commend my colleagues on the other side of the aisle who earlier joined in this campaign finance reform

effort. The easiest thing to do, obviously, is to do nothing, to say we are going to do something. But we have a promise, as the gentleman pointed out, that we will get a hearing. We have stepped forward and taken a stand.

Let me finish by saying, I think the time, as has been mentioned before, is now to bring campaigns back to basics and back to people, so that they care again about going to the voting booths. We have a very small window of opportunity to act, and we should act right away. Our freshman bipartisan campaign finance reform is the best way to begin to fix a broken system.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Wisconsin for his remarks.

I yield now to the gentleman from Florida, [Mr. BOYD], one of the distinguished Members of the Freshman Task Force.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Maine [Mr. ALLEN] for giving us the opportunity tonight to join in this colloquy on campaign finance reform.

I want to start by acknowledging some people that got us here. That is, the freshman class presidents: the gentleman from Florida, [Mr. JIM DAVIS], who is our freshman class president on the Democrat side; and the gentleman from Missouri, [Mr. KENNY HULSHOF], on the Republican side. They made a commitment and were instructed by their Members to work on this issue, and appointed the gentleman from Maryland [Mr. TOM ALLEN] on the Democratic side and the gentleman from Arkansas, [Mr. ASA HUTCHINSON] to help the task force to work on this issue. I am proud to be a member of that task force.

I go back home and people say, ''BOYD, why are you working on campaign finance reform? Why is it important to you?'' I say, well, there are two reasons. One is I just came out of a nasty campaign. During that campaign I saw the effects of soft money pouring into congressional campaigns and how it distorted the campaign, at times. So I think that is the first reason.

The second reason is, I believe that the longer we stay in Congress the more calloused we become to the system, the campaign finance system we live under here. We become calloused to the blight that it gives our image, this institution, this institution, the U.S. House of Representatives, the congressional body of the most powerful Nation of the world, which has relatively low marks in terms of public support compared to years past. A lot of it has to do with the tremendous amount of money that is pouring into the campaign system.

Mr. Speaker, as we stay here a long time and we get our committee chairmanships and we get our leadership positions, we learn how to use the system better. We become calloused to the bad effect that it has on our democratic form of government.

So those are the reasons that I feel very strongly that we ought to do something about campaign finance reform. As 1 of 72 new Members of the U.S. House, I was glad to be part of the task force.

Mr. Speaker, this is a bipartisan task force. I heard the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], say earlier this evening, just before we adjourned he was talking about ethics legislation, and he talked about bipartisanship and how important bipartisanship was going to be to advancing reasonable, responsible ethics reform.

The same holds true with campaign finance reform. We cannot come out here and fight with these close numbers and ever accomplish anything. We have to work together. The gentleman from Maine and the gentleman from Arkansas, [Mr. HUTCHINSON], got our groups together, and we looked at all of the issues. The issues we could not agree upon we sort of laid off the table.

We heard from many different kinds of groups during that process. I thought it was a stroke of genius the way the Members set that up. We heard from the Democratic National Committee, the Republican National Committee, the National Broadcasters, the National Right-To-Life, Bi-Pac, the League of Women Voters, environmental groups, labor groups. We heard from all kinds of groups who have a vested interest in this process.

After we heard from those groups, we determined the things that we could agree upon and the things we could not agree upon. We laid off the table and removed from the table those things we could not agree upon, and we have come to the conclusion that the removal of soft money from this system is the one thing that we can do that will best reform the current system that we have.

Is the bill, House Resolution 2183, which is called the Bipartisan Campaign Integrity Act, is it perfect? No, it is not perfect. I would submit that there are very few perfect pieces of legislation that ever come out of this congressional body. But it is a bipartisan proposal that will eliminate soft money and will go a long way towards cleaning up the campaign finance problems that we have in this Nation.

Mr. Speaker, I want to implore the leaders of this body, who I think do a good job overall. We are experiencing some bumpy times here in the last few days, but I think generally the body has been going in a very positive direction in the 6 or 8 months that we have been here as freshmen. I want to implore the leadership to address this issue.

We have been promised, the gentleman from Maine [Mr. ALLEN] and the gentleman from Arkansas [Mr. HUTCHINSON] extracted from the Republican leadership a promise to have this House Resolution 2183 heard. I want to implore the leadership to give us a chance to have it heard. If we can make it better and pass it off this floor, let us do it.

I want again to thank the gentleman from Maine [Mr. ALLEN] and the gentleman from Arkansas [Mr. HUTCHINSON] for the work that they have done, and I want to encourage the people back home to call their Member of Congress and encourage them to get involved in this campaign finance reform, and let us get it done.

Mr. ALLEN. I thank the gentleman from Florida [Mr. BOYD] for all his help on that task force. He did a great job. Now we simply have to keep pushing this issue as hard as we can until we get the kind of hearing that I think we all agree we are entitled to.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. First of all, I want to commend the gentleman from Florida [Mr. BOYD] for his very eloquent statement, and I want to thank my colleague, the gentleman from Maine [Mr. ALLEN], for organizing this special order today, and commend all of my colleagues who have spoken so passionately on behalf of this issue.

There are many different campaign finance reform proposals that have been introduced in this House. Most of them, quite frankly, if they came to a vote on the House floor here, we all could support. Some of them only deal with a portion of a problem, some of them are more comprehensive. But most of them, quite frankly, would improve this broken system that we are now faced with.

But the frustrating thing for all of us here is that we cannot get a vote. We cannot get a day on the House floor where we can debate this issue and where we can vote on it. It is frustrating, because the American people want us to fix this system.

Forgive me if I do not get too excited about the promises that have been made about hearings and about taking action on various bills. We have heard and we have been given promises in the past. We have even seen handshakes on this issue. The fact of the matter is, we have nothing to show for it.

The Speaker of the House has not allowed there to be a vote on campaign finance reform in this House. I think that is very unfortunate. When I go home to Massachusetts, to my district, whether I am speaking before a town hall gathering or a business group or a group of senior citizens, I always get the same question: When are you going to clean up the current campaign finance system? When are the hearings going to end? When are the investigations going to end? When are you going to actually do something and fix the system?

My response is always the same. That is, I would like to do it right now. I would like to do it yesterday. I would like to do it several months ago.

The President has indicated that he would sign a campaign finance reform bill if it was presented to him. But the problem is right here. The problem is

getting the leadership of this House, the Republican leadership of this House, to schedule a vote and to allow us to have that debate, and to allow us to send a bill to the President.

I have no doubt that if we could bring a bill to the floor tomorrow that really reformed this system, it would pass. People who would vote against it, quite frankly, I think would be ridiculed back in their districts. I think that is one of the reasons why we do not see a vote coming up.

I just want to join with my colleagues here in making another plea to the Speaker of the House, as we have done over and over and over again: Give us our day. Allow us to have a vote, up or down, on real campaign finance reform. If he does not want to bring a comprehensive package to the floor, at least let us vote to ban soft money. There are not too many people nowadays who will stand up and defend soft money.

Let us bring that to the floor. Let us ban that. Let us restore some public confidence. Let us eliminate some of the cynicism out there. We could do that very easily. We could do it in a way that would impact the very next elections.

I want to commend my colleague, the gentleman from Maine, for allowing me to participate in this special order, and I hope that the next time we talk about this issue it will be to rejoice in the fact that we have been given a commitment, a date certain, when we can vote on this issue.

Mr. ALLEN. I thank the gentleman from Massachusetts [Mr. MCGOVERN] for all his help on this issue. He certainly makes a good point. We would not have to be here in the evening speaking about this issue if we had a full-fledged debate on the floor of this House during the day. That is what we are asking.

It is real simple. We have only 6 or 7 or 8 weeks left in this session, depending on how we count and how long it takes. I think a lot of us feel that this issue will not go away and we should not go away, we need to deal with it during this year in this House.

Since we will keep it in the family here, I am happy to yield to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts for setting up this opportunity to speak on this issue tonight. We are hoping that those who are watching are going to be able to hear a message that we are unable to bring to the floor, because, to be partisan for a minute frankly, the Republican Party that does set the agenda in this House has decided not to have this issue come to the floor.

I listen to everybody talk all day long about bipartisanship. Frankly, I say to the gentleman from Maine, I think he knows my feelings on the matter, I am not a big supporter of bipartisanship, I am an advocate of partisanship, but with a lot of civility, where we clearly establish what our positions are so the public is aware of what the choices are; and in a civil manner we have discourse, we deliberate, we debate, and we vote. And everybody has, hopefully, respect for each other, and that is how we live with the result of that vote and go on.

Unfortunately, I think there has been another path taken by this particular majority, some of whom in the Republican party are clearly with us on the issue of campaign finance reform; they want to debate it and they want to discuss it and vote on it. But the majority over there would not have the ability to bring forward the prospect of having this issue debated and voted upon, and they cannot get those numbers together.

I clearly relate to the gentleman that the Democratic caucus has decided that, as a group, Democrats are in favor of campaign finance reform. We are very desirous of having the matter debated, having the deliberation in front of the public, talking about what might be right or wrong with a particular bill, and then moving forward on that.

I am told over and over again that the public opinion polls do not support it, a public desire for campaign finance reform. I think the gentleman knows as well as I do that, frankly, what it is. If you ask the question, what issues are most on your mind, people may well say, education; they may say health care, other issues which may not get the attention that they deserve, but get some attention at least in this House.

But if you ask the question, what really undermines the credibility of any action taken by Congress, whether it be on health care, whether it be on taxes, whether it be on education, people will say, we do not believe that decisions are made independently. We think large amounts of money go into the people that run our Government, and somehow they have an effect; and it has a sort of corruptive influence, or at least perception, on the work we do down here.

The gentleman and I both know people are down here working very hard and that the system is such that you cannot win a seat here unless you can get your message out, get your visibility up, get people to know who you are and what you stand for.

So I have a challenge for the public. Basically, we all rely on them, so we need not to try to get anybody upset, but I have a challenge for the public. If they want to get rid of the corrupting influence, or perception, of money, then we have to decide how we are going to do that; and I favor comprehensive campaign finance reform.

Frankly, as much as I applaud the gentleman's efforts, and I think they have been wonderful and I think we may end up standing behind the gentleman's effort, because I have told the gentleman over and over again, those who believe we have to move forward on this issue will not stand behind a bill we file or cosponsor as a defense to not voting for anything or having nothing at all passed. We will be open-minded and we will try to move forward in the area of reform.

But I am strictly an advocate of comprehensive campaign finance reform, because I do not believe in unilateral disarmament. I think that is what stops bills from passing here. Incremental bills are always subject to the attack that they leave somebody with more weaponry in the campaign battles than somebody else, whether they take PAC money and somebody feels that working people, environmental groups, and groups like that may have more of an influence, if that is left but soft money is taken away, or whether they attack business PAC's and soft money and feel hard money is left, there is always a feeling in less than comprehensive reform that somebody is left on the short end.

So I put forward the bill, H.R. 2199, that talks about what folks in Maine did. It talks about public financing of campaigns. It talks about the public stepping forward and saying, we are upset about the influence of money, soft money or hard money, that we have to do something about it.

When businesses want to hire people to go down and do their business, they make an investment. They invest a reasonable amount of their money as a business in defining the best people, going out and getting them, interviewing them and hiring them. For less than 1 percent of the smallest estimate of what this Congress produces and what we now call corporate welfare, we could fund congressional elections with public financing with the option of candidates to get public funding.

☐ 1915

Those that still want to go to private funding could go to private funding, but there would be certain carrots and sticks. Publicly funded candidates would have a limit, because the public clearly wants a limit on the amount of money that we spend campaigning. And by virtue of when the money is disbursed, we would have a limit on the length of the campaign, because the public clearly wants an end sometime to the last campaign and some time to govern before the next campaign begins.

The public wants to know that people in office will not be on the phone or at fundraisers day in and day out instead of on the government's business. So once somebody decided to get publicly funded in a campaign, they would get a limited amount and they could raise no other money, hard or soft, because many people have a hard time believing that the person who gives $1,000, $2,000, $3,000, $4,000 is without influence any more than the person who gives $25 or $50 in soft money.

So, frankly, that is the direction that I think we have to move in. We have to have free air time for those people that

adopt public financing to get the message out. The people that want to stay and be private candidates would not have that free air time. But if they overspent the limit of the publicly funded candidate, the publicly funded candidate would get matching funds. That is the disincentive in order to have them not be private candidates. It is the incentive to bring everybody into the one package that gets the public to have credibility for its candidates and office holders. It lets them say we have bought back our Government. We own this enterprise now. We do not have to worry about foreign money influence. We do not have to worry about hard money or soft money or large contributors or small contributors. We do not have to worry about the pervasive attitude that we do not have an open government here that has credibility.

So, Mr. Speaker, I suggest that we push out on comprehensive finance reform. I understand that we may, if anything, get the freshman bill, which is a good bill, and the gentleman understands the compromises that we made there to get something that we hope would pass. But, frankly, if we do not bring pressure on this body, we are not going to get anything at all.

The reason we are here tonight is because somebody has to have a vehicle to get the message to the American people. The Democrats are on record as wanting campaign reform. We have a dozen or so proposals. We would like to debate and deliberate them and get the best final proposal together and bring it to a vote in this body.

But even though there may be some Members on the Republican side that do want to come forward for campaign finance reform, the majority over there do not. The public has to know that is why this issue is not being heard on the floor. That is why it is not being voted on. That is why the public business is not being done in campaign finance reform.

Mr. Speaker, we have to keep this up and I commend the gentleman from Maine [Mr. ALLEN] for giving us this opportunity and everybody for participating in it at this hour of night, hoping to convince people that this has to be done. We are doing our best to see that it is.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. TIERNEY], and I want to say I appreciate the effort that the gentleman has made on behalf of a public funding bill. I think it is one of the many interesting ideas that are out there and need to have a full debate on this floor.

I have to say I am proud of my home State of Maine for passing a referendum proposal that would encourage public funding, would provide voluntary public funding for the Governor's races, all of the State Senate races, and all of the races for the State House. That will take effect in the year 2000. And I just believe this is one of those ideas we ought to have out here on the floor of the House and have a good solid debate.

Mr. TIERNEY. Mr. Speaker, if the gentleman would continue to yield, the fact of the matter is that the citizenry of Maine voted in big numbers for that particular concept. In Vermont, the legislature voted for a similar concept. In 12 different States throughout the United States, even conservatively perceived States like Arizona, have voted in overwhelming numbers to show support for this concept.

But, Mr. Speaker, I am afraid that while we are down here debating incremental approaches, what is going to happen is that several more States are going to have the people speak up. It is a grassroots effort. There are people out there that are fed up with the current system, and the people down here are going to try to run to the front to get out there and lead.

It is our job. We should not wait for opinion polls. It is our job to perceive what it is that the public needs and to get out front there. I think this bill gives us a chance to do that. I think your bill gives us a chance to start in that direction. I think that Mr. GINGRICH, the Speaker, the others on the other side, are not living up to the responsibility and the promises to the American people and the President to get this issue before us before we go home for recess.

Mr. ALLEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Maine [Mr. ALLEN]. First of all, I thank the gentleman for the leadership that he has shown in this area, Mr. Speaker, as the cochair of the bipartisan task force, the work that he did.

I think it is important for people to know that this committee spent months hearing every group imaginable talk about this issue. What we came up with, and what I am proud to be part of, is a piece of legislation that actually hopefully has a chance to pass. And I guess I am just practical enough that I want something that can pass.

I mean, Mr. Speaker, I would love to see comprehensive campaign finance reform. I wish we could make it happen; it is probably not. So how do we do it incrementally? And I think this piece of legislation that the freshmen introduced is a way to go.

Mr. Speaker, when I got here people asked me, what is it like and who are the people that you serve with? I talk about my fellow Members of Congress and I talk about the fact that people are here, they have integrity, they work hard, they care about their districts, they really work hard to care about their districts. Yet, I find that three-quarters, according to a poll, and I know we are not supposed to listen to a poll, but when you hear a poll that talks about three-quarters of Americans believe that public officials make or change policy decisions as a result of money that they receive from major contributors, that perception tells me that this campaign system is morally bankrupt and that if we want to get back the confidence of the American public, we absolutely have to do something about campaign finance reform.

Mr. Speaker, soft money came about. It was never intended to happen, and that is where so many of the large donors give large chunks of money. And I do not think they want to do it any more either. But it is a system that literally has exploded. Both parties collected twice as much as they did 2 years ago. What is it going to be like in the next year? What is it going to be like 3 years from now?

We absolutely have to do something about soft money. There is no control over it. So banning soft money, which this bill does, I think is again a step in the right direction.

There were a lot of ads on TV and most people have no idea where they came from. If it was our ad, we had to put our name on it and usually a little picture so that people knew who was putting that ad out. But we saw other ads on television for issues, advocacy issues, that said who it was sponsored by.

But then there were ads, and it does not matter whether it was for or against us, there were ads that came from committees like the Good Government Committee. Mr. Speaker, tell me, who is the Good Government Committee? It could be anyone. The name is made up.

Mr. Speaker, we have several donors. There is no disclosure on those independent campaigns of who those donors are. People say, well, what difference does it make if we know? I think it is important. People make decisions based on who financed; what do they really care about; what is the message they are really trying to get across; who donated the money to those independent expenditure campaigns?

Again, Mr. Speaker, these ads are going to happen and it does not matter whether they are for or against us as Members of Congress, the fact is we need disclosure. We need to know who funds those campaigns.

What this bill does very simply is it just says, if candidates are going to fund independent expenditures, they have the right to do that under the Constitution. They can do that. But if they are going to do it, then they must, they must tell who funds those campaigns. So it is a little disclosure piece.

Mr. Speaker, the third part that I really like, campaign disclosure for candidates, how much is spent, where candidates get the money. We are back in the dark ages. It is the days of writing it out with a scroll and the pen and ink.

Mr. Speaker, we now have computers. We have fax machines. We can or should be able to get the information to the Federal Elections Commission much quicker than what currently happens. Again, people have a right to

know where candidates are getting their money and how they are spending it. So, I would like to see us get into this next century and do it in a way that makes sense for people.

Again, this is not comprehensive campaign finance reform, which I would like to see happen, but it is an incremental step that has bipartisan support.

I guess the problem I have as a new Member is when an issue like this is important, and it is important to the public's confidence in this institution, and I am very proud, as a new Member, very proud to be part of this institution. But when people lack faith in us, it is really an incentive for them to not vote and not be part of a system. This is a system of self-government and we want people to be involved in this process. It is critical to our democracy that we have people involved in this process.

So, Mr. Speaker, I would like to at least ban the soft money; at least have the disclosure of independent expenditures; and those of us that are candidates, let us make sure that people also know where we get our money and how we spend it.

So, Mr. Speaker, I commend the gentleman from Maine [Mr. ALLEN] for all of the work. I guess I have a problem with not having this up for debate and a vote. I do not think there is any issue that is not worthy, or at least I cannot think of any right at the moment, that is not worthy of debate and a vote. This is a critical issue to our democracy and all we are asking for is that it be allowed to the floor before we go home for the winter recess and that we have a chance to vote on it. Up or down; any one of those bills. Mr. Speaker, I thank the gentleman for his hard work.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from Oregon as the current president of our freshman class. The gentlewoman has plunged into this issue and is helping to build support for it in these halls, and I appreciate it.

Mr. Speaker, the gentlewoman makes an excellent point. One of the points she makes is that essentially we are going to be embarrassed if we have all of these investigations and we do not get to legislate. That is what we are here for.

Ms. HOOLEY of Oregon. Mr. Speaker, that is why I came.

Mr. ALLEN. Mr. Speaker, I am now pleased to yield to the gentlewoman from New York [Ms. MALONEY], who is another leader in this particular area. I hope the gentlewoman will talk about her bill tonight.

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman organizing this hour tonight for us to express our support for campaign finance reform, and I congratulate the freshman class for their work in their task force.

As my colleagues know, the gentleman from Indiana [Mr. BURTON] announced today that his committee will move forward with hearings next week. The gentleman has replaced his lawyers. He has got roughly a $15 million budget to go forward. There have been 46 depositions. Yet not one penny has been spent, not one hearing has been held, and not one witness has been called in an effort to figure out how to solve the problem.

Mr. Speaker, the closest this Congress came to making any real move on this issue was in March, when the Senate voted down a resolution which proposed a constitutional amendment to allow mandatory campaign spending limits. Yesterday, the President repeated his request for a resolution on campaign finance reform. He has pledged that he would sign one into law.

There are 85 different pieces of legislation floating around Capitol Hill now trying to address the problem of campaign finance reform, and there is a virtual graveyard of proposals that have died in former Congresses. Yet none of these 85 proposals have had a hearing or have been given serious review or consideration by a committee in this Congress.

Mr. Speaker, if we take a look at this list, of course, there is the bipartisan Freshman Task Force proposal which would ban soft money. There is the bipartisan Campaign Reform Act of 1997, which would award postal and broadcast discounts to those who voluntarily limit spending. There is the American Political Reform Act, which bases spending limits on how much a candidate's opponent spends. And really there is my personal favorite which would ban soft money and combine it with the Independent Commission on Campaign Finance Reform of 1997.

Mr. Speaker, of course this is my bill, which is a bipartisan effort, along with the gentleman from California [Mr. HORN], the gentleman from New Jersey [Mr. FRANKS] and the gentleman from Washington [Mr. WHITE].

Mr. Speaker, this bill would establish a commission that would come up with a plan for reform. The plan would have to come up this Congress for a vote in this session.

Our proposal is based very strongly on the successful Base Closing Commission, which passed in a former Congress. We all agreed that we had to close the bases but we could not agree which ones had to be closed, so we had a commission. It came forward with a plan and we moved forward and closed the bases.

We have a similar problem before Congress now. Everyone says they are for campaign finance reform, yet they cannot seem to agree on a proposal or get one to the floor for the vote.

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Our commission would require a vote in this Congress on campaign finance reform.

The legislation, the 85 proposals that are before us, are very varied. Some are good. Some I agree with. But there is one point that all of them have in common: They do not have a chance to become law because not a single one of them has been permitted to come to the floor for a vote.

We have not even been permitted to examine any of these proposals in a formal hearing. Meanwhile, many of us who serve on that committee, the Committee on Government Reform and Oversight, will have to sit for hours, possibly days, possibly months, at hearings in this committee which will do nothing more than point fingers at people who have already been accused and little to correct the problem.

As you have pointed out, and many of your colleagues in the freshman class, we need to be putting more of our efforts in trying to solve the problem.

In 1996, the House and the Senate, the candidates for the House and the Senate spent more than $765 million to get elected. That is $765 million. This is up 72 percent from 1990. The Speaker of the House has been quoted as saying that there is not enough money in the campaign system. Well, Mr. Speaker, how much more money would we have to spend?

This election system is one that turns elections into auctions. We need to show the American people that our Government is not for sale, that our elections are not for sale to the highest spender. We need to move forward with meaningful campaign finance reform. It is very simple to do the math, $765 million on elections.

This adds up to one strong point: We need campaign finance reform. We need to bring a bill to the floor of this House for a vote before we ask our constituents to go to the polls and vote for us.

I congratulate the gentleman and the freshmen class for all the hard work that they have done on this issue.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from New York.

You have been a real leader in this field. You have one of the major proposals that ought to be debated here. This whole question of an independent commission, I think, is one that we need to look at very, very carefully. You have generated support on both sides of the aisle for your proposal. It is time, as we have said, it is time to get down to business and hold this kind of debate during the day, not during the evening.

Mrs. MALONEY of New York. Mr. Speaker, that is true. We have roughly 100 cosponsors on our bipartisan effort, and certainly 100 cosponsors shows a depth of support in this body and one that certainly should merit a hearing and a vote on this floor.

Mr. ALLEN. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I thank the gentleman and I thank the Speaker and the staff this evening that are letting us talk about campaign finance reform.

I noticed we had the gentlewoman from Oregon [Ms. HOOLEY], the gentleman from Maine [Mr. ALLEN], the

whole country is interested in campaign finance reform. I am from Arkansas. I know that the influence of money in politics concerns Arkansas.

We also had a referendum in our State that was passed overwhelmingly by the people to deal with State elections. Some of the polls say people do not have that really high at the top of their lists. They have jobs and the economy and education. Well, of course, they do have those at the top of their lists. But if you ask them, is this an important issue, absolutely, it is an important issue.

I know in Arkansas people are very interested in how I think about elections, how I think they ought to be elected. They are interested in us improving our democracy. When we are talking about campaign finance reform, we sometimes get lost in all the details. We are talking about improving our democracy, the greatest democracy in the world.

Mr. Speaker, I commend the gentleman. I know he has worked very hard in a bipartisan manner with the gentleman from Arkansas [Mr. HUTCHINSON]. You and he have done great work together. The gentleman from Arkansas [Mr. HUTCHINSON] is a Republican and the gentleman from Maine [Mr. ALLEN] is a Democrat. I commend you for your work, and I look forward to working with you in the next few weeks. Hopefully, we can bring one of these bills to the floor before we recess.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I appreciate all his support in this area.

I would simply say, in conclusion tonight, that I thank all of the Members who have been here to discuss this issue. This issue will not go away. This may not affect people in the way that paying for an education affects them. It may not affect them in the way that losing a job or finding a new job may affect them. It is not their Social Security payment or their tax bill. But they care about this issue. I hear about it all the time. I know the gentleman from Arkansas [Mr. SNYDER] and others do.

The fundamental problem is, we have to be able to take the issues that are of concern to people across this country and not just talk about them in the evening but vote on them during the day. That is what we are asking.

MORE ON CAMPAIGN FINANCE REFORM AND EDUCATION

The SPEAKER pro tempore (Mr. PAPPAS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I certainly appreciate the opportunity to address the House tonight and look forward to a good dialog with my friend, the gentleman from Florida [Mr. SCARBOROUGH].

First of all, I want to say that I certainly think that it is a good time to talk about campaign finance reform and all the things that have been going on, particularly with the shenanigans at the White House, the renting of the Lincoln bedroom, the raising money on taxpayer premises, the fundraising at Buddhist temples and so forth. I think we should talk about PAC contributions and what we should do about it. Should we limit it?

I think candidates should be forced to raise 75 percent of the money that they spend on their campaign in their own district, rather than having money sent to them from Washington special interests. Let us raise it in hometown America, make as many of those contributions individual.

I am not sure if we should outlaw PAC's, but I do think it is proper to say maybe 25 to 35, maybe 40 percent of the money should be the maximum limit for PAC contributions in the aggregate, but beyond that you should have money raised individually. You need to have public disclosure in all of that.

But, Mr. Speaker, one thing we have got to do is enforce existing laws. It is a little ridiculous to blame all the problems on campaign finance reform on the need for a new law when we have laws on the books right now that would apply to a number of the situations that are going on.

There was a great article in The Washington Times on September 2, written by Mark Levin on the subject. He says any time a politician wants to get a good response from an audience, all he or she has to do is say, we need campaign finance reform. Everybody claps. Then somebody else stands up and says, we need to protect the first amendment, freedom of speech. Then the group claps again.

So you have this kind of a very win-win dialog when you go back home and so forth. But let us talk about some of the laws that are already on the books.

The 2 U.S.C. 441(e) prohibits foreign nationals from directly or through others contributing to any political campaign or soliciting acceptance or receiving such contributions; in other words, no foreign money.

Clearly, then, foreigners may not attempt to influence an American election by giving money to such groups as the Democratic National Committee or to the Republican National Committee. But it seems to be the Democratic National Committee that had the biggest problem with this on the last goaround, Mr. Speaker. I am not sure of the number, but I believe it was something like $3 million in foreign contributions. Again, U.S.C. 441 clearly prohibits that.

Then there is section 18 U.S.C. 1956, which prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership, or control of the funds. This would apply if you were going to, let us say, go to a Buddhist temple and have a huge fundraiser from dirt poor Buddhist nuns who have taken an oath of poverty. Where do they suddenly come up with $140,000?

If it is the case that they were used simply as a fence, if they were laundering the money, then here we have this law, 18 U.S.C. 1956 that prohibits it. It is on the books now, Mr. Speaker. We do not need new legislation.

Then there is 18 U.S.C. 600, which prohibits promises of contracts or other benefits as consideration, favor, or reward for any political activity. Among other things, this would prohibit, for example, the Department of Commerce from selling trade missions in exchange for political donations. And as we know, there seems to be some suggestion that the Department of Commerce rewarded heavy contributors to the administration with trade trips and so forth like that.

Along with U.S.C. 600, there is 18 U.S.C. 601, which prohibits the withholding of a benefit or program of the United States from any person who refuses to make a campaign contribution. In other words, you cannot withhold something because somebody supports your opponent. I think that is very important and something that all of us in Congress need to be aware of.

A couple of other things: 18 U.S.C. 595 prohibits employees of the Government from using their office in any way to affect Federal elections. This law seems to have a problem with it for politically appointed employees who seem to be using taxpayer premises for a campaign purpose. And we have learned a lot about that recently.

Then there is 18 U.S.C. 607, which prohibits the solicitation of campaign funds on Government property. Records show that in the administration a number of people violated this law over and over again. Not only did they make dozens of calls for cash from such places as the White House or auctioning coffees at the White House or selling the Lincoln bedroom, but it seems to be there was certainly a pattern of covering up from it, which is interesting because 18 U.S.C. 2 prohibits anyone from helping or furthering a criminal act.

Eighteen U.S.C. 371 prohibits two or more persons from conspiring to commit a crime; 18 U.S.C. 1001 prohibits anyone from making false statements to Federal investigators; 18 U.S.C. 1621 prohibits lying under oath which is, of course, perjury; 18 U.S.C. 1623 prohibits lying to a grand jury.

These are criminal statutes unaffected by campaign finance reform, Mr. Speaker. These are already on the books. All the folks who seem to be crying about the need for campaign finance reform are strangely silent on the laws that are on the books right now that are not being enforced.

While I think that we need to look at our campaign finance laws, see if we can improve them, I think it is very important to do it on a bipartisan basis. I also think, Mr. Speaker, we should be able to investigate folks who have broken Federal law on a bipartisan basis. There is nothing Democrat

or Republican about somebody breaking the law. It is simply a matter of enforcing what we have.

Mr. Levin goes on in this article to say that if somebody, for example, Secretary of Energy Hazel O'Leary, she has been accused by Johnny Chung of being asked or forced to donate to one of her favorite charities, $25,000 to AFRICARE in exchange for a private meeting.

Now, either Mr. Chung is lying and former Secretary O'Leary ought to be outraged and want to investigate that or if he is saying that is something serious we need to know about it.

Again, this is a bipartisan question. This is not a matter of Republicans looking good and Democrats looking bad. It is a matter of the laws of the United States apparently being broken. And if that is the case, Mr. Speaker, then let us go after everybody, Democrat and Republican, who have apparently broken laws.

This is a great article, Mr. Speaker. I wanted to bring this up in view of the fact that so many of the campaign finance discussions we are hearing, particularly from the other side, do not seem to say, let us enforce the existing laws. Let us investigate this in a bipartisan manner. Let us get down to brass tacks. We will be having lots of debates about this. So I think it is very important that we all talk about the whole picture and not just politically being selective about what we choose to talk about.

There are a lot of issues facing the House right now. One of the key ones is education. I want to talk about education a little bit.

In America today there are approximately 3 million teachers, most of whom have gone back to work now. Summer is over and school is back in. We have about 111,000 private and public schools. We have 51 million students in secondary and elementary education. In fact, my father and my two sisters have been educators. The student/teacher ratio is 1 to 17 and the average salary for the teacher ranges from about $21,000 to $38,000.

The United States spends $286 billion on secondary and elementary education. Among the top 12 countries in the world in terms of education spending, Hong Kong, Japan, Britain, Sweden, and so forth, we rank No. 2. We spend approximately $6,000 per student in Washington, D.C. It is $10,000 in Utah. It is as low as $3,400.

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So there is a lot of range in there. Got a lot of Federal involvement in education. Approximately 760 Federal education programs, 39 boards, agencies and commissions, and that excludes the noneducation department-type programs, and there are other programs being taught by agencies that are not part of the Department of Education.

I think a lot of this Federal involvement, Mr. Speaker, is not in the best interests of the local schoolteacher in the classroom. It seems that the direction of the debate is, do we want to put money into Washington commands and control bureaucrats or do we want to send the money to the teacher in the classroom. I think that when we have a deep Federal involvement in education, we have a lot of unintended consequences.

I will give an example. Some of the consequences are just plain political. Right now on Federal math programs there are nine Federal math programs and 14 Federal reading programs. Sounds reasonable, but listen to this: There are 27 Federal environmental programs and 39 Federal arts programs.

Now, if we ask the businesses in our communities what is important for them, certainly they want their new employees to be educated in environment and arts and so forth, but if we are to compete on the global front we have to have a strong math and reading background. And again nine math programs, 14 reading programs and 27 environmental programs and 39 art programs. It is done because it is politically popular to pass environmental education, and it is lackluster to pass math programs.

We also take away a lot of the academic freedom. When we mandate from Washington what has to be taught by the local teacher in the classroom then we lose a little bit in terms of what can happen. Kids may need a lot of this drug education. They may need a lot of environmental education and so forth, but their primary goal still has to be the reading and writing and arithmetic and science, that core curriculum.

And speaking personally, I can say this. I have four children, ages 6 to 14. And if my daughter, age 14, gets on drugs, it is not the school system's fault. It might be my fault, it might be my wife's fault, it might be our parenting skills are lacking, but it is not the school's fault. At 14 certainly it is partly my daughter's fault, if not 90 percent her fault.

The fact is, if my daughter gets on drugs, gets pregnant and so forth, it is not a reflection on the school; it is a reflection on me, and we have to come up with that. There is inefficiency in Federal Government command and control.

Let me give an example here. AmeriCorps right now spends about $25,000 to $30,000 per volunteer, and their books are in such disarray they could not even be audited. This is not a productive-type Federal Government.

In terms of the results, in 1972 the average SAT score was 937; 1995, the average SAT score was 909. And all during this time we had more Federal Government involvement with the local education scene.

We have the gentleman from Minnesota here [Mr. GUTKNECHT], who has joined us and I will certainly be glad to yield time to him on this topic of education; and I know the gentleman has other topics, but I wanted to kind of stick on education for a few more minutes.

Mr. GUTKNECHT. Well, Mr. Chairman, I would like to thank the gentleman for yielding to me, and education is something that obviously all Americans are very concerned about. And we were very fortunate the last several days we had our Governor Arne Carlson from the State of Minnesota, who has been with us here in Washington and been visiting with a number of educational groups.

He has spoken to a number of different organizations while he has been in town. He was on C–SPAN. He gave a speech yesterday at the Heritage Foundation, talking about real educational reform and what has been happening in Minnesota.

I think the real excitement, like welfare reform, the real reform that is happening in the United States today is not happening at the Federal level; it is happening at the State and local level, and it is happening primarily where we empower local school boards and, more importantly, parents themselves to become much more involved in the education of their kids.

There is a tremendous success story that is happening in all of the States, but I think Minnesota has been one example where we had a courageous Governor who was passionately involved in doing what he could to try to improve the overall quality of education. He told us today in a meeting that I attended that in the city of Minneapolis, and we pride ourselves on great schools, but the results more and more are demonstrating that even in States like Minnesota and in cities like Minneapolis, the quality of the education that kids are receiving is just not what they need. Fifty percent of the kids are either dropping out of school or they are graduating with diplomas which are virtually worthless.

So on one hand has always been the answer, we need more money, we need more money, we need more money, and certainly more State and local and even Federal funding is part of the solution. We certainly do not want to say that we are totally opposed to making certain there is adequate support financially for our public schools or private schools or education in general.

But what the Governor said very emphatically is that the real answer is not just in more money, and it certainly is not more mandates from Washington; the real answer is empowering parents to take a much more active role in the education of their kids.

Again, we get back to one of those fundamental principles that I think has made this country so strong and so great through the years, and that is the whole issue and principle of personal responsibility. What they have done in Minnesota with tax credits and deductions is, they have empowered parents to become much more actively involved in their kids' education.

Mr. KINGSTON. If the gentleman will yield back to me, want to underscore that, because I think that is

something that is so true. As I talk to teachers they are very, very frustrated in two things: No. 1, that they cannot control their own classroom anymore because there are so many Federal rules that have been passed down to the State education bureaucracies and then to the local and then to the teacher in the classroom tying her hands up, because sometimes some kids need different things.

But one of the results of it, not only is she frustrated with the bureaucracy she works for, but the parents of the students are frustrated, and so they are not involved in the PTA's or the PTO-type organizations, the parent-teacher groups, because they know that they cannot do anything about it.

They have a great idea, they get real fired up, they hear about it working somewhere else and rush to tell the teacher, and he or she signs off on it and says it is great; they go to the principal, the principal likes it, they go to the school board and, bam, brick wall.

And today the average student, the average 13-year-old, spends 8 hours a week doing homework and 30 hours a week watching TV.

Mr. GUTKNECHT. Sad story. And the problem is, we are graduating kids or kids are dropping out of high school; and whether we like to admit it or not, they will face a much more competitive marketplace out there for their skills. And if we have high school graduates who really cannot read at the fifth grade level or sixth grade level, we have placed them at a permanent disadvantage not only relative to other American students, but I think more importantly, as we move into a world economy, it places them at an enormous competitive disadvantage to students from Korea or Japan or Germany, Great Britain, and other industrialized countries around the world.

Mr. KINGSTON. That is right. And teachers, if given the opportunity to be creative, can light the fire in the students' minds and get them enthusiastic.

If the gentleman will remember, today we had the Reverend George Dillard give the opening prayer. His wife Renee is a 4th grade schoolteacher at Cannongate Elementary School in Peachtree City, GA. When I introduced George, at Renee's request, I introduced Nellie, who is the fourth grade class's little teddy bear; and Nellie was on the floor of Congress today. Nellie met Speaker GINGRICH and TRENT LOTT and anybody else that Nellie could shake hands with.

It captures the minds of those fourth graders. Those 9- and 10-year-olds suddenly say, what is Nellie doing in this Chamber, this place where all these men and women are talking sometimes in such lofty terms? What is that group?

Nellie, the little teddy bear of Cannongate Elementary School, has been to over 80 countries and has sat on the Great Wall of China. It is exciting, and Renee Dillard, their teacher, is excited for them. She is showing them a gateway, but she is using a prop. She is using something that was a local idea.

It was not a Washington bureaucrat that all fourth grade classes will get teddy bears from here on out. It was local. And when Nellie's novelty has worn off, they will put her on the shelf. But as long as Renee Dillard and other fourth grade teachers can come up with creative and fun ideas to excite these kids into learning, we are going to have kids who are enthusiastic about learning.

Mr. GUTKNECHT. That is an excellent point, and one of the other points that our Governor made today is that for too long, in terms of education, we have been so concerned with process, and we have not really been concerned with outcomes.

The good news, I think, is that at all levels the cause is being driven that we have to be far more concerned with what kids actually can do and what they understand and what they know rather than the overall process of education.

I do want to make a point, and I think the gentleman makes it well, that the truth of the matter is there are literally hundreds of thousands of incredibly dedicated teachers in this country and sometimes we get confused when we start debating education policy.

And some of our critics like to say, you are just trying to bash teachers. That is certainly not the case, because the gentleman knows and I know, and I think since I have been elected I have visited something like 24 schools. I try to do that often.

When I meet with teachers, I find groups of people, particularly at the elementary level, who are incredibly dedicated. But because of the bureaucratic redtape and rules and regulations that go with it, sometimes they are prevented from doing what is best for their kids.

So when we talk about empowerment, we want to return more of the decisionmaking back to the classroom and back to the parents.

Mr. KINGSTON. On that same subject, I was talking with some executives at BellSouth from Georgia earlier today, and they are very, very involved in education and trying to get kids on line and computer friendly on the Internet and all the good stuff we need to do to compete in a global economy.

They were giving me an example of Salem High School in Georgia, in Rockdale County, I believe, but what he was saying is, the principal came into this high school and said we are going to do pass-fail. I am going to teach you how to think, not just how to make an A. I am going to teach you how to think.

Everyone was up in arms and so forth, and it was a very tough storm he had to weather. But now 4 years later, according to the BellSouth people, this principal at Salem High School is one of the most popular in the State because he did something different, and people bought into it; and once they understood it, they liked it, and the parents got behind it. But, again, they did not need a Washington bureaucrat to tell them to do it.

But there may be a Washington bureaucrat that can tell them they cannot do it, and that is very, very harmful.

Another example. I was in Camden County talking to a school board member down there in Camden County, GA, which is where Kings Bay is, and they have lots of growth. And most of the schools are new, but they had a lot of problems because of the growth problems.

This school board employee was telling me she had just returned from a seminar in Athens, GA, on sensitivity. Sensitivity is a bureaucratic concept, and basically what it says is teachers cannot be alone with the student because they might do something wrong. They cannot touch a student because they might touch them too long or in the wrong place or something. They cannot be too familiar with the student. They cannot use any slang or joke around with them because they may be offended by it.

She said the heartbreaking part of that is that so many of the kids, 6 and 7 years old from broken homes, the No. 1 thing they need is not learning the math tables, but getting a good hug and not just one but two. And she says, now I am coming back from this taxpayer-funded seminar to tell my teachers in their classroom that we cannot hug our students anymore when they do a good job.

And, again, as a parent of four, we have to hug each other four or five times a day just to kind of get things moving, and actually that is just by the morning time. But we are hug friendly, my family, and I think in most places in America there is nothing unique about it, but it needs to happen.

Another thing maybe on a different side is, as the gentleman knows, we cannot spank anymore, we cannot have prayers, we have to be careful not to offend anybody and so forth. And I think about the times when I was in school, one time in particular when a guy named Bennie Lacount and I were sitting in the gymnasium, and Mr. McBride, the vice principal, came and sat down in front of us on the bleachers, and we were behind him. And across the gym floor were all the seventh and ninth grade girls, and they were looking good, and Bennie Lacount slipped me a piece of bubble gum. And we were not supposed to chew gum, especially in gym, because it could damage the gym floor, but we just started chewing.

And seeing how the vice principal was sitting in front of us, we thought we would blow a few bubbles to the girls across the gym floor and get away with it and kind of be young and studly

and impress the women. So we started blowing bubbles.

Well, Mr. McBride did not see us, but we did not anticipate Coach Stalvi, who was watching from the wing; and he called me over and said, were you chewing gum? And I was 13 and I said, no, sir. And he said, you were not chewing gum? And I said, a little weaker that time, no. And he said, I saw you chewing gum. You were chewing gum, weren't you? And I said, yes, sir. And he said I would have spanked you twice for doing it, but now I'm going to spank you five times for lying.

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So he took me in his office, spanked me, Benny only got it twice because he told the truth but I got it five times. But I deserved it and it straightened me out and I am not in therapy, I am not a victim, I did not sue Coach Stalvi, I did not sue the school system. Maybe my heinie got a little black and blue for a few days but not a boy in the locker room thought that I was innocent. It was understood, growing up, that if you broke the rules and got caught, you were going to be punished. That is not clear anymore in our school system. But it is not the fault of the teachers. It is the fault of the Washington command and control bureaucracy, the centralized planning agency who wants to run the lives of all of America. Because not everybody needed a paddle growing up. But I was one who did. Every time I got a paddling I deserved, it and every time I got a paddling I got a little bit closer to being straight and being a good citizen, and so forth. I can promise that growing up, if it were not for those installments in discipline, there would be a lot of us who continued down a very, very wayward and harmful path.

Mr. GUTKNECHT. I think the gentleman makes a good point. I got a few of those paddlings myself when I was in school.

Mr. KINGSTON. I was hoping the gentleman would confess.

Mr. GUTKNECHT. I hope my mom is not watching because I will get a paddling when I get home as a result. But it is an important point. Not only did it benefit you, but more importantly it benefited a lot of your friends, seeing that the punishment was fair and that it was meted out quickly and promptly and justly, so we had better discipline in the schools.

It is interesting when you poll what teachers are concerned about in terms of what is happening in the schools today with what was happening in the schools when I was in school as a baby boomer. Back then it was about talking in the halls and chewing gum and occasionally somebody trying in high school, at least trying to steal a cigarette out in the back of the school. Today the problems are much, much more severe. Today the problems are drugs, the problems are real violence, guns in the schools, things like that. My own sense, and I do not think this is the only answer and there are a lot of other social problems and obviously schools reflect a lot of our socio-economic problems we have in this country today, but on the other hand I do believe in the schools where they still allow adequate and prompt and just discipline that they keep those problems, the bigger problems, from beginning to multiply.

Mr. Speaker, we have been joined by the gentleman from Florida [Mr. WELDON].

Mr. KINGSTON. I want to say this by way of introduction of the gentleman from Florida [Mr. WELDON], he is one of what, is it four physicians in Congress or three?

Mr. WELDON of Florida. There are now actually six.

Mr. KINGSTON. Six. It is amazing though that somebody in the height of a medical career, a successful medical career would take the time out to somewhat sidetrack or derail his career to be a Member of Congress. We are just so proud to have somebody like the gentleman with us.

Mr. WELDON of Florida. I am honored and flattered to hear the gentleman say that. Let me first say it is an honor to be here in the Congress. I cannot really say it is a pleasure to be here in the Congress but it is an honor, an extreme honor. One of the reasons I left my medical practice and ran for Congress and came here was the issue that you are talking about tonight, and that is one of the reasons why I wanted to come down here and join both of you. I am a product of the public education system in our country. I went through public school. I went to a State college. I went to a State medical school, so I am very much a product of public education, and public education in America for many years has been a tremendous success. Indeed, my mother was a public school teacher. I feel indebted to the public school system, and I feel that it has truly been a tremendous success story up until the recent past. We all know the status of education in America today. There are some schools that are doing a great job, an outstanding job, and there are some schools that are doing an OK job, but there are some schools that are failing really miserably. At the root of that, I believe, is a lot of factors, one of them is that we have a Federal bureaucracy in Washington that I believe is very, very inefficient, sucking up money, money that should be in the classroom and putting unnecessary burdensome rules and regulations on our schools. One of the reasons why I am very proud to be able to be here and be part of the Republican educational reform is that one of the key themes is to get money, power and responsibility back to parents, back to teachers, and back to the schools and out of the bureaucracy in Washington, DC.

Let me just add one other thing because I was listening to the comments earlier about the innovations in Minnesota. One of the reasons I ran for Congress is I felt the only way to deal with so many of the problems within our public educational system today is through school choice. It is the one major sector of our economy, and I am not sure if the gentleman from Georgia was reciting these figures or if it was the gentleman from Minnesota earlier about how there are 3 million people employed as teachers in the United States, there are 20,000 schools. This is just a huge industry, and we basically have put it in the hands of Government. It is the only major sector that is in the hands of Government of our economy. We do not have the food delivery system in the hands of the Government, we do not have medical care in the hands of the Government, though some people wanted to make medical care the purview of the Federal Government, but yet we have given education over to the Federal Government.

Let me just add, though, that there are people in this country who have educational choice but they are the wealthy. The wealthy have always had educational choice. People with the means could always pick the best school in their community. I think what we are about with educational reform and school choice is giving everybody the same ability that the wealthy people have, to be able to choose the best academic environment for their children.

I want to raise one very, very important point and this is, I believe, a falsehood that we hear spoken repeatedly on the floor of this House by the opponents of school choice and that is that choice in education will ruin public education. In other words, the public schools will not be able to compete; if you really have a marketplace and give parents a tuition voucher or tax credit, that the public schools will collapse. Let me just say, first of all, that I do not think that is true at all. I think there is enough innovation and enough talented teachers in our public system that they will be able to compete, they will improve and they will be made better by school choice. For somebody to make that argument, they are tacitly, implicitly admitting that the system is so bad, in their own mind, that they will not be able to compete. For them to get up and say it will ruin public education, they are in essence admitting that it is inferior and that in a marketplace they will not be able to survive. I happen to believe that is wrong. Some of our public schools will fail, some of our public schools will close, but I think some of them will be made better.

I want to just tell the gentleman as a Congressman from Minnesota, he has a lot to be proud of in his Governor, in his State legislature. They have emerged this year as one of the leading States and perhaps in many ways it is very fitting that it should come out of Minnesota, a place that has been known for its progressive innovations for years and to see this happening in

Minnesota. I agree with what the gentleman was saying earlier about how this is really a State and a local initiative to really reform education. This is a huge country; 270 million people, 50 States. We cannot fix education in America here from Washington, DC. It has got to happen in every school, in every county, in every city, in every State capital all across the country. A thousand flowers should bloom and innovation should occur.

Mr. KINGSTON. Mr. Speaker, I think what is very, very important and what he is talking about is that allowing the local innovation, the grassroots on up rather than the command and control pushing down the rules, what will happen if Minnesota is as good as all reports are right now? Everybody is excited about what is going on in Minnesota. I can tell my colleagues what is going to happen. Florida and Georgia are going to go up there and figure out what can we do, what is working and how can we change our system. The HOPE scholarship which has been a successful program of Governor Zell Miller, Democrat in Georgia, as the gentlemen know was somewhat copied in the recent budget bill. There is a lot to be said by having 50 different laboratories and then thousands of other labs in county and city school systems.

Mr. GUTKNECHT. The gentleman is really talking about the miracle of the marketplace, in allowing innovation and in effect some competition to exist. What he is saying is if Minnesota's plan works as well as some think it will, other States will copy it. But if it does not, somebody else can innovate something else.

Mr. KINGSTON. And we get to sit by and not waste the money.

Mr. GUTKNECHT. It is lead, follow or get out of the way. For too long the Federal Government has been in the way.

Mr. WELDON of Florida. I want to make one point getting back to what the gentleman from Georgia [Mr. KINGSTON] was talking about about 5 minutes ago. Though we need innovation, a thousand flowers should bloom, we do need school choice, we do need a competitive marketplace, the thing that the gentleman was talking about is incredibly important and that is discipline. That is something that is absent in too many of our schools. There are two components to education in my opinion. One is the book learning, knowing your multiplication tables, knowing who Christopher Columbus was, but there is another part in education, and we all know this. It is a part of our education that begins from the moment of our birth, most of it comes from our parents, and that is building character, building integrity, building honesty into that young person. Indeed if you ask an employer what is more important, that they have all this book knowledge and word knowledge or whether they are responsible, reliable, not on drugs, stable family life, they will always tell you they would rather have those character things, because they can always teach them, even though it is not their job and it should be the schools' job, but they can always teach them that stuff. But you cannot fix somebody who does not have those things ingrained in them by the time they are 18. What the gentleman was talking about, getting the good old-fashioned paddle, that is a part of it, discipline and character and training. That is an area where I have to say our public system in most areas is failing miserably. It is directly related, I believe, to taking prayer out of our schools and taking out the wisdom of the Bible.

Can we go back to where we were 30 years ago? No. I do not think we can. I do not think we can put school prayer back in. This country has become so diverse. However, I believe we need to give parents the choice to be able to put their children in a religious environment or not in a religious environment, to select the environment that they want for their kids. I happen to believe many will choose a religious environment and I think they should have the freedom to do that. These arguments that that is a violation of the separation of church and State I think is absurd. I think parents, working-class families should have the freedom to choose the academic environment for their kids that wealthy families have. Working families should be able to choose where they send their kids to school. Having that disciplined environment that the gentleman from Georgia was talking about I believe is more important in many ways than the book learning that we give our kids.

Mr. KINGSTON. So much of the discipline picture, though, has got to get back to the home and the parents. We had Charles Ellis Montessori School in Savannah, GA, an excellent school putting out a great product in the students that it educates. The principal, though, told me they have 94 percent parent involvement. If you get the parents involved, it makes a big difference.

I will tell my colleagues another personal story and convince them that I have horrible discipline around the house. I have got to tell you about Jim, my 6-year-old. I love Jim. I am excited. We are going home tomorrow, and I am going to go play with Jim. Jim is very, very independent, a little blond-headed boy, solid as a rock, not an ounce of fat on him, all muscle. Ninety-nine percent go. All the time. He does not have a slow gear. He started kindergarten last year. He did not like it. He liked summertime, he liked independence. He did not like sitting in the classroom. The teacher tried to include him in on the program, Ms. Stafford, but Jim resisted. It got worse and worse. Ms. Stafford took him to see the principal. Jim did not like the principal at all and kicked the principal. The teacher was horrified. The principal was horrified. She called me up and I was horrified because, as you know, particularly during the 1960's when the three of us went through the school system, principals were like God. They had the final word on everything, and no kicking. But Jim did not know the rules. So the principal called me up. We had a parent conference and all this. She did something that I really think is great.

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She said, ''I want to know where you are 24 hours a day. I want one number and one name, and if I call that name and that number, you, no matter where you are, are going to come to this school and pick Jim up and take him home. Do you understand me?''

I said, ''Yes, ma'am, I understand you.''

THere was just no gray area to it. She laid out the rules; the program was clear. And, needless to say, Libby and I got to work on Jim, double overtime, and he ended up having a great, spectacular year. That was last year. He ended up, I think, a model student. I do not know if the teacher will agree with me, but it was perfect.

The beauty of it was the principal had the flexibility to grab me, somewhat rhetorically, by the tie and say, ''Look, sucker, your kid is a problem. I want him off my campus, because he is disrupting the learning of the other kids. You are going to come get him.''

Again, no lawsuit, no Federal involvement, no big problem. We understand that she was looking out for the greater cause, and we cured the problem. You cannot do that in most school systems today because the parents will say, ''Well, it is not my problem. You all probably abused him.''

It is just so stupid in society, some of the things we are getting into now. But I think it is because of this Washington bureaucracy, centralized planning for education, instead of giving the teachers and the principles the flexibility they need.

Mr. WELDON of Florida. Clearly, the gentleman makes a very important point, which is that you cannot blame it all on the schools, and you cannot blame it all on the teachers.

Indeed, I have to say, maybe I am partial to teachers, my mother having been a schoolteacher, most of them are great, most of them are very sincere, most of them are very hard working, there are some elements to the problems that we have in our schools that transcend the school, and it does require more parental involvement.

Your example is an excellent example of how parents get involved. I know with my little girl, Katie, when she was in the first grade she was struggling with reading. My wife started to work with her with reading and tried to help her. At the end of the first grade, she was reading at about the third grade level, but she started out struggling. That is an example of very intense parental involvement.

A lot of parents, single moms, do not have the time for that. There are problems that go beyond our schools, and

parental involvement is one of the keys.

I will tell you, I think one of the best ways to get parental involvement is to get school choice, where parents are looking at the schools in their school district, looking to see which ones are good, and then getting their kids enrolled. They have an investment in that.

It is no longer a government-run operation, and every kid goes off and gets on the bus, and whatever comes out of the process at the end is whatever comes out. The parents have some ownership.

When they are shopping for the best school, I can tell you most parents are really going to make a strong effort to find the best academic environment for their child, and you are going to see parental involvement.

If we can get an environment in this country today where every State is doing what Minnesota does, I think parental involvement will increase, not only in the private schools and the sectarian schools, religious schools, but in the public schools as well, because if a parent has a tax voucher or tax credit in their hand and they choose to go to the public school, I would assume they are going to make more of an effort to make sure that their son or daughter is getting the education that they need.

But I agree with the gentleman from Georgia [Mr. KINGSTON] 100 percent, that there is more to it than just our schools. This is a community issue, it is a family issue, it is a church issue, it is a school issue, and it is a government issue. But I think it is a local government issue, it is not a Federal issue.

Mr. GUTKNECHT. If the gentleman would yield, I would like to get back to the point about discipline. You made the point that most employers say if they have to choose between a candidate for employment who has all of the right knowledge and one who has the right character and values, they will tend to lean toward the person. They are not mutually exclusive. I think we should make that point.

This fall, or last spring, I toured two schools, one in Minneapolis, one in St. Paul, and both of them had done something rather remarkable. One was a charter school, which we were one of the first States to begin allowing charter schools to start. The other was a regular public school.

It was interesting, though, the reason that these two schools had been chosen by some people who wanted me to see what was happening in education, they had both committed themselves to a curriculum that was very, very strong on values: Value education.

You mentioned we have more or less taken religion out of the public schools, and some would argue that is good, while some would argue that is bad. But I do not think you necessarily have to separate education from the importance of teaching kids on a regular basis the importance of some of those traditional values.

It was interesting what happened at both of those schools. These were inner city schools. These were relatively poor neighborhoods. They had, up until they had begun to switch their curriculum, had pretty poor test scores.

But two things happened. When they began to really reinforce some of those time-tested principles and values, what happened was, first of all, the discipline improved. Without doing anything else, discipline improved.

Then, not only did discipline improve, but the academic side improved. When you have discipline, when you have kids who understand that it is important to be honest, to tell the truth, to work hard, to be cooperative, to behave yourself, to be quiet when the teacher speaks, to be respectful of adults, all of those values which we were really taught when we were in school back in the fifties, really, the changes in those schools and the academic performance of these kids went up geometrically.

So it can happen. More importantly, it is happening. It is happening not only in private schools, but it can happen in public schools. So the whole idea that it can only happen in private schools or only happen in charter schools really is not true.

But it does take the commitment of the parents. It takes the commitment of a principal. I am sorry, I should remember the name of the principal, I wish I had it for this discussion tonight, but a very courageous principal who said: ''We are going to change the school. It is going to be cleaner, it is going to be safer, the kids are going to be disciplined, and we are going to teach values.'' It is just amazing to see the differences in that school and in those kids.

The beauty of all of that is, in the long run, the real winners are going to be those kids. At the end of the day and the end of their time in school, they are going to get so much more out of it than what the school was like a few years ago when it was rowdy, it was dirty, the kids did not behave and they did not pay attention to the teachers, and their academic performance was way at the bottom. Now their performance is moving way up toward the top.

It is not mutually exclusive and it does not require just private or charter schools. But I think one of the things that did encourage this particular school to at least be aware of it was the fact that charter schools were becoming available, and that we had increased and are now dramatically increasing the deductibility as well as tax credits for educational expenses in Minnesota, so there is a competitive force now, and people understand if parents do not feel that the local public school is really doing the job, then there is an option out there.

There is a competitive factor. Again, there is the miracle of the marketplace, and some innovation by the school administrators has made a tremendous difference in those schools and in the lives of the kids who go to school there.

Mr. WELDON of Florida. If the gentleman would yield, I would agree 100 percent that you can teach morality, virtue, and character in an environment that does not include a religious theme.

Some examples I think include hard work, the value of hard work, caring for others, treating others as you would want to be treated yourself. You do not have to get the Bible out to instill these values in kids. There are lots of ways that you can just teach those basic human values.

Now, I happen to personally believe they are all rooted in the Bible, at least in western civilization they are rooted in the Bible. But there are ways that you can teach values and virtue where you do not have to violate the so-called constitutional separation of church and State.

I know you are going to tell me that is not in the Constitution, and I am aware of that, that the words ''separation of church and State'' are not in the Constitution.

Mr. GUTKNECHT. If the gentleman would yield, he makes a good point. I tell some of my friends it is not right because it is in the Bible, it is in the Bible because it is right and it works. The time-tested principles and values that we talk about, work, thrift, personal responsibility, respect for your elders, those are not right just because they are in the Bible; they happen to be in the Bible because they are right and they work.

Mr. WELDON of Florida. Amen.

Mr. GUTKNECHT. You do not have to teach the Bible to teach the principles that have made not only this society successful, but every successful society in some form or another has subscribed to the basic principles and values we are talking about. But it is important those values be taught to our kids.

I hope we can come back to why values do matter in the long run and this original discussion that we started out that got me to come over here.

Mr. KINGSTON. If the gentleman would yield, here is an August 29 article in the Washington Times about a public opinion poll that says the economy is booming, the stock market is up, business is good, employment is at a great high, and yet Americans are pessimistic.

One reason they are pessimistic is because of moral values. For example, one woman in this poll talked about the country not being on the right track and said that the vulgarity on TV is shocking when people, and this is a quote—well, I do not want to quote it, but just general things that are said on TV and on radio, which are inappropriate, particularly if you have got an 8- or 9- or 12-year-old in the room, or a 30-year-old, for that matter. It is just bad things.

Then government, a lot of people said they distrust government. You know,

it just says Americans remain largely suspicious of the Federal Government and their political leaders, though the anger of the early nineties has dissipated. I think we in Congress should deal with problems more on a bipartisan basis, rather than finger point and so forth.

Mr. GUTKNECHT. If the gentleman would yield, I knew this story and I forgot it and it came up this week. There was quite a debate when Jefferson wrote the term ''the pursuit of happiness.''

Do you know originally many of the Founding Fathers wanted that sentence to be ''the pursuit of virtue?''

There is a difference. I thought that was an interesting debate that we have somewhat forgotten. Obviously, we want to be able to pursue happiness, but many of the Founding Fathers felt it was even more important to pursue virtue. ''Virtue'' is a term we hear almost none of in this capital city any more

I go back and I will close, and I know our time has almost expired, but I do want to say this about virtue and values, because I believe he was paraphrasing someone else, but I often quote Jessie Jackson, Sr., who politically I do not agree with on too many issues, but I agree with something he said a few years ago. He said, ''If you want to change the world, you have to first change your neighborhood. If you can't change your neighborhood, at least be a good example.''

I think particularly those of us on this side of the ballot, on this side of the elections, who serve in public offices and have the privilege to serve in the U.S. Congress, I think sometimes we all want to try and change the world; but what we have really got to do is talk about how can we change our neighborhood, and, finally, and most importantly, how can we be good examples.

I think once in a while we have to remind people that values and virtue are important, and they do make a difference. It is difficult sometimes when you read the stories in the press of what happens here in Washington, and the way you started this conversation tonight, and everybody is talking about campaign finance reform, but, in the end, at the end of the day, it seems to me that whether you are the President of the United States, the Vice President of the United States, a Member of the U.S. Congress, it seems to me you have a responsibility not just to obey the letter of the law, not just to find legalism, to stay within what you technically and your attorneys may say is the law, but it seems to me you have an example, you have a responsibility, at least, to set a good example.

That is one of the things that has frustrated me over the last number of months, because we have had a lot of our colleagues talking about campaign finance reform. We need campaign finance reform. I step back and I say I certainly believe that we do need campaign finance reform.

But it seems to me before we reform any laws, we have to make certain that the laws that are currently on the books are being adequately enforced. Frankly, I do not think it is too much to expect of us or members of the administration or anyone else that they not only obey the letter of the law as they are on the books today, but they set a good example.

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So with that, Mr. Speaker, I yield back to the gentleman. I hope that perhaps we can finish and talk a little bit about that, because if we are really going to teach our kids, we teach them best by example. We do not teach them by example by hiding behind legalisms, we set an example and live by that example, and that is what they hear the most from us.

Mr. KINGSTON. I thank the gentleman for those points. I think they are excellent.

Mr. WELDON of Florida. Mr. Speaker, I just want to close by getting back to something the gentleman was talking about a few minutes ago, in quoting that newspaper article.

If we look at the polls, there are a lot of people who still remain pessimistic, despite the economy going strong and unemployment being low, and it is the morality, it is the virtue issue. The gentleman is absolutely right, we cannot lay all the blame on our schools. Hollywood is playing a role, what people are seeing on TV.

But it really comes down to, in the end, we have to change ourselves. We have to change our families. We have to change our communities. Unless it comes from the grassroots up, it is not going to work. It cannot come from Washington, DC, down. We cannot reform education and put education reform, we cannot change our educational system, where virtue and values are being upgraded, we cannot reform the system from Washington, DC.

There are 5,000 education bureaucrats in this city right now, working in buildings around this Capitol, that are not doing anything to help so many of these kids who are struggling. A lot of our kids are doing well, but a lot are struggling. I think it is very exciting, the kind of reforms we are seeing.

I think what we are trying to do in the Republican Party here in this Congress, we are saying no to the status quo, and we want to see some real reform. It has really been a pleasure to be able to join with the gentleman in this discussion.

Mr. KINGSTON. I thank the gentleman, and certainly agree. There are so many things we are debating now in terms of more Washington government in education, national curriculums. I say, let us go back to the local level where the action is, where a lot of the solutions are, and so forth.

On the subject of right and wrong, I was jogging the other day out in front, leaving the Capitol, going by the Smithsonian, toward the Washington Monument, and two student-type looking fellows were sitting on the ground with a laptop computer. They had a big poster board. It said, ''Is there a difference between right and wrong?'' And they were sitting around punching figures into their laptop, apparently proving that there was no difference between right and wrong.

I did not have the nerve, but I certainly had the mind, and I was thinking, I just ought to jog right over there and step on that laptop and ruin it, and then turn around and see if they think there is a right or a wrong. Because I have a feeling they would say, hey, that was wrong, buddy.

And it is interesting how quickly you can kind of turn the debate from some of the academic Washingtonian deep thinkers and just bring them back to the reality of the real world and hometown America, because that is where I think the salvation of our great country is.

There are a lot of good people in Washington, great minds, practically brilliant people. I have a lot of respect for many, many folks: Democrats, Republicans, Federal bureaucrats, Federal employees, a lot of good folks in the system. But when we get down to it, the real strength of America is on the streets of America and hometown America, the wisdom of hometown America. I think that is where the goodness is, and there lies our greatness.

Mr. Speaker, I thank the gentlemen for joining me tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. JONES, for 5 minutes on September 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, 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. ALLEN) and to include extraneous matter:)

Mr. SKELTON.

Mr. BERRY.

Mr. HALL of Ohio.
Mr. SANDERS.
Mr. KANJORSKI.
Mr. FARR of California.
Mr. LIPINSKI.
Mr. DINGELL.
Mr. VISCLOSKY.
Mr. KLINK.
Mr. MANTON.
Mr. HAMILTON.
Mr. BONIOR.
Mr. MATSUI.
Mr. MALONEY of Connecticut.
Mrs. CARSON.
Mr. FOGLIETTA.
Mr. MORAN of Virginia.
Mr. SHERMAN.
Mr. SMITH of Washington.
Mr. ETHERIDGE.

(The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:)

Mr. FAWELL.
Mr. SOLOMON.
Mr. FORBES.
Mr. DAVIS of Virginia.
Mr. TIAHRT.
Mr. WOLF.
Mr. PACKARD.
Mr. WELDON of Pennsylvania.
Mr. BONO.
Mr. DIAZ-BALART.
Mr. CALVERT.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Ms. VELÁZQUEZ.
Mr. DAVIS OF VIRGINIA.
Mr. SHUSTER.
Mr. YOUNG of Alaska.
Mr. DEFAZIO.
Mr. BARR of Georgia.
Mr. GOODLING.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p.m.), the House adjourned until Thursday, September 11, 1997, at 10 a.m.

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. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) (all by request):

H.R. 2446. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reduce the costs of disaster relief and emergency assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAZIO of New York:

H.R. 2447. A bill to reform the assisted multifamily rental housing programs of the Department of Housing and Urban Development, protect the financial interests of the Federal Government, maintain the affordability and availability of low-income housing, enhance the effectiveness of enforcement provisions relating to single family and multifamily housing, and consolidate and reform the management of multifamily housing programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BONO:

H.R. 2448. A bill to provide protection from personal intrusion; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. TALENT, Mr. BALLENGER, Mr. SAM JOHNSON, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. SOUDER, Mr. NORWOOD, Mr. PAUL, and Mr. HILLEARY):

H.R. 2449. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. HALL of Ohio (for himself and Mr. CAMPBELL):

H.R. 2450. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2451. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Commerce.

By Ms. WOOLSEY:

H.R. 2452. A bill to authorize the Secretary of Health and Human Services to make grants to counties to carry out programs to provide to parents in families participating in State programs funded under part A of title IV of the Social Security Act, training relating to early childhood development and education to prepare such parents for employment as caregivers by providers of high quality child care services; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS:

H. Con. Res. 149. Concurrent resolution expressing the sense of the Congress regarding the visit of Secretary of State Madeleine Albright to the Middle East; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Mr. BATEMAN, Mr. CHRISTENSEN, Mr. CUNNINGHAM, Mr. DICKS, Mr. EDWARDS, Mr. HAYWORTH, Mr. KENNEDY of Rhode Island, Mr. POMEROY, Mr. SAXTON, and Mr. SKELTON):

H. Con. Res. 150. Concurrent resolution expressing the sense of the Congress relating to the timely distribution of payments to local educational agencies under the Impact Aid Program; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself, Mr. GINGRICH, Mrs. CHENOWETH, Mr. TAYLOR of North Carolina, Mr. HERGER, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. MCINNIS, Mr. SESSIONS, Mrs. LINDA SMITH of Washington, Mr. RIGGS, Mr. CUNNINGHAM, Mrs. CUBIN, Mr. NETHERCUTT, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. SKEEN, Mr. BOB SCHAFFER, Mr. HANSEN, and Mr. RADANOVICH):

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress that the United States should manage its public domain National Forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives and that the United States should serve as an example and as a world leader in actively managing its public domain national forests in a manner that substantially reduces the amount of carbon dioxide added to the atmosphere; to the Committee on Resources.

By Mrs. NORTHUP (for herself, Mr. CHRISTENSEN, and Mr. MENENDEZ):

H. Res. 226. Resolution expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. WOLF.
H.R. 145: Mrs. THURMAN and Mr. LARGENT.
H.R. 203: Mr. DAVIS of Virginia and Mr. DAN SCHAEFER of Colorado.
H.R. 292: Mr. NETHERCUTT.
H.R. 367: Mr. BLILEY.
H.R. 404: Mr. KUCINICH and Mr. BRADY.
H.R. 438: Mr. EHLERS.
H.R. 453: Mrs. KENNELLY of Connecticut, Mr. TOWNS, Mr. DELAHUNT, and Mr. BARCIA of Michigan.
H.R. 455: Mr. HINCHEY.
H.R. 456: Mr. HINCHEY.
H.R. 536: Mr. WAXMAN.
H.R. 543: Mr. CHABOT, Mr. GIBBONS, and Mr. SHAYS.
H.R. 696: Mr. DELLUMS and Mr. MILLER of California.
H.R. 777: Mr. WATT of North Carolina and Mr. GEPHARDT.
H.R. 900: Ms. VELÁZQUEZ.
H.R. 979: Mr. MEEHAN, Mr. HOEKSTRA, Mr. SPRATT, Ms. RIVERS, and Mr. UPTON.
H.R. 981: Mr. SHERMAN, Mr. REYES, Mr. NEAL of Massachusetts, and Ms. STABENOW.
H.R. 1059: Mr. RAMSTAD and Mr. RIGGS.
H.R. 1060: Mr. POMEROY and Mr. TIAHRT.
H.R. 1114: Mr. RILEY and Mr. BOEHLERT.
H.R. 1173: Mrs. KELLY.
H.R. 1232: Mr. CANNON.
H.R. 1260: Mr. JOHN.
H.R. 1288: Ms. MCCARTHY of Missouri.
H.R. 1411: Mr. THOMAS.
H.R. 1550: Mr. CONDIT.
H.R. 1653: Mr. DAVIS of Virginia.
H.R. 1689: Mr. COOKSEY, Mr. LIVINGSTON, Mr. BOYD, Mr. EDWARDS, Mr. HEFLEY, Mr. PORTER, and Mr. RIGGS.
H.R. 1705: Mr. BARRETT of Nebraska.
H.R. 1709: Mr. HOSTETTLER and Mr. GRAHAM.
H.R. 1711: Mr. BEREUTER, Mr. THORNBERRY, and Mr. WHITFIELD.
H.R. 1799: Ms. HOOLEY of Oregon, Ms. RIVERS, and Mr. THOMPSON.
H.R. 1839: Mr. LEWIS of Kentucky.
H.R. 1951: Ms. WATERS and Mr. LAFALCE.
H.R. 1984: Mr. HAMILTON, Mr. MCKEON, Mr. SMITH of Texas, Mr. LEVIN, and Mr. MCINNIS.
H.R. 2029: Mr. SESSIONS.
H.R. 2078: Mr. HUTCHINSON.
H.R. 2119: Mr. HINCHEY.
H.R. 2121: Mr. MORAN of Virginia.
H.R. 2129: Mr. BROWN of Ohio.
H.R. 2163: Mr. MILLER of Florida.
H.R. 2182: Mr. BONIOR and Mr. LAFALCE.
H.R. 2202: Mr. LEWIS of California, Mr. SCARBOROUGH, Mr. PACKARD, Mrs. MEEK of Florida, Mr. TRAFICANT, Ms. KAPTUR, Mr. EHLERS, Mr. KLECZKA, Ms. FURSE, Mrs. MALONEY of New York, Mr. BONO, Mr. DICKS, and Mr. FOGLIETTA.
H.R. 2221: Mr. GILMAN.
H.R. 2253: Mrs. MORELLA, Mr. MCGOVERN, Mr. KILDEE, Mr. COOK, Mrs. KELLY, Mr. ACKERMAN, Mr. HOLDEN, and Mr. DOYLE.
H.R. 2273: Mr. OWENS, Mr. FALEOMAVAEGA, Mr. FARR of California, Ms. CHRISTIAN-

GREEN, Mr. WEXLER, Mr. CLAY, Mr. WELLER, Mr. HINCHEY, Mrs. THURMAN, Ms. DELAURO, Mr. SHERMAN, Mr. DAVIS of Virginia, Ms. MILLENDER-MCDONALD, Mr. SANDLIN, Mrs. EMERSON, Mr. LANTOS, Ms. KAPTUR, and Mr. COSTELLO.

H.R. 2290: Mr. NEAL of Massachusetts.

H.R. 2321: Mr. LAHOOD, Mr. GOODE, and Mr. ENGLISH of Pennsylvania.

H.R. 2374: Ms. CHRISTIAN-GREEN and Mr. FILNER.

H.R. 2380: Mr. DUNCAN.

H.R. 2385: Mr. YATES, Mr. BALDACCI, Mr. FRELINGHUYSEN, and Mr. BACHUS.

H.R. 2387: Ms. ROYBAL-ALLARD, Ms. CARSON, Mr. PASCRELL, Mr. ROTHMAN, Mr. CONYERS, Ms. FURSE, Mrs. MALONEY of New York, Ms. NORTON, and Mr. OBERSTAR.

H.R. 2424: Ms. RIVERS and Mr. SESSIONS.

H.J. Res. 37: Mr. GOODE.

H. Con. Res. 80: Mrs. MINK of Hawaii.

H. Con. Res. 111: Mr. ENGEL, Mr. ROTHMAN, Ms. CARSON, Ms. DELAURO, Ms. HOOLEY of Oregon, and Mr. GREEN.

H. Con. Res. 134: Mr. FORBES and Mr. YATES.

H. Res. 139: Mr. REDMOND, Mr. TALENT, Mr. CANADY of Florida, Mr. HUTCHINSON, Mr. STUMP, Mr. BRYANT, Mr. EWING, and Mr. PICKERING.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2264

OFFERED BY: MR. FATTAH

AMENDMENT NO. 62: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available under this Act may be used by the Department of Education for a State or local educational agency in a State in which the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is more than 10 percent.

H.R. 2264

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 63: Page 66, line 7, after ''$796,000,000'' insert ''(increased by $18,000,000)''.

Page 66, line 12, after ''$7,000,000'' insert ''(increased by $18,000,000)''.

Page 82, line 6, after ''$174,661,000'' insert ''(decreased by $18,000,000)''.

H.R. 2264

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 64: At the end of title V (relating to general provisions), insert the following new sections:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce the restriction on the discretion of the National Labor Relations Board set forth in the proviso in section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)).

(b) The limitation established in subsection (a) shall not apply to any labor dispute involving an employer whose business activity in interstate commerce is greater than—

(1) the financial threshold amount in effect for the class or category of the employer under the rules and standards of the National Labor Relations Board pursuant to section 14(c) of the National Labor Relations Act (29 U.S.C. 164(c)); as adjusted by

(2) the percentage increase (since the threshold amount was established or last adjusted) in the Consumer Price Index for All Urban Consumers published by the Secretary of Labor, acting through the Bureau of Labor Statistics, pursuant to section 4 of the Act of March 4, 1913 (29 U.S.C. 2) and section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)).

H.R. 2264

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 65: Page 65, line 7, insert ''(decreased by $3,000,000)'' after ''$8,204,217,000''.

Page 66, line 12, insert ''(increased by $3,000,000)'' after ''$7,000,000''.

H.R. 2264

OFFERED BY: MR. RODRIGUEZ

AMENDMENT NO. 66: Page 66, line 20, after the dollar amount, insert ''(Increased by $1,500,000)''

Page 66, line 21, after the dollar amount, insert ''(Increased by $1,500,000)

Page 73, line 15, after the dollar amount, insert ''(Reduced by $1,500,000)''

H.R. 2267

OFFERED BY: MS. RIVERS

AMENDMENT NO. 23: Page 116, strike line 16 and all that follows through page 117, line 2.

H.R. 2267

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 24: Page 28, line 16, after the colon insert the following:

''*Provided further,* That any unit of local government that receives funds under H.R. 728 to hire or rehire a career law enforcement officer shall use such funds to achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service:''.

H.R. 2378

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 6: Page 101, after line 18, insert the following new section:

SEC. 633. None of the funds made available in this Act may be used to implement, administer, or enforce section 9302(k) of the Balanced Budget Act of 1997 (Pub. L. 105–33), as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997 (Pub. L. 105–34).

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, SEPTEMBER 10, 1997 *No. 119*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Dr. Clarence Newsome, dean of chapel, Howard University School of Divinity, Washington, DC. We are pleased to have you with us.

PRAYER

The guest chaplain, Dr. Clarence G. Newsome, dean of chapel, Howard University School of Divinity, Washington, DC, offered the following prayer:

May we pray.

Almighty God, by whose permissive will the counsels of men and women are privileged to convene, we pause at the outset of a new day to acknowledge Your power and dominion and to proclaim Your goodness. We call upon Your grace to consecrate this hallowed Chamber so that Your power and goodness may guide the affairs of state to which these honored and honorable men and women will this day attend. Grant that they may see a vision of government for the people and by the people, in which the people are daily inspired by the law of the land to live, work, and play together according to a higher law: the law of love.

By the power of Your love, empower them to discharge the duties of their office in the confidence that they neither labor in vain nor without the abiding appreciation of a grateful republic. Be the source of refuge and peaceful release for them, the members of their staffs, and especially their families who sacrifice much so that they may dutifully serve the common good with dedication, devotion, and distinction.

Fill them with strength for today and bright hope for tomorrow. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the able Senator from North Carolina, is recognized.

THE GUEST CHAPLAIN

Mr. FAIRCLOTH. Mr. President, it is, indeed, a special privilege for me today to welcome as our guest chaplain, Dr. Clarence Newsome.

Before I get into the other distinguished things about Dr. Newsome, I would like to mention that he is a native North Carolinian, born in Ahoskie, NC, and spent 18 years at one of our premier universities, Duke University, not only as a professor, but as a football player and a great leader of that university.

He is now dean of the Howard University School of Divinity. Dr. Newsome is a distinguished clergyman, an impelling preacher, and a very visionary educator. He is known throughout the Nation as one of the most insightful and sensitive thinkers on religion, culture, and social issues of our time. Dr. Newsome continues to play a major role in the strategic development of Howard University.

His presence with us today is an opportunity for the Senate to affirm the crucial and important contribution of Howard University to the city of Washington, to the District of Columbia, and to our Nation and world as a whole, being one of the leading producers of diplomats throughout the world.

I welcome Dr. Clarence Newsome.

SCHEDULE

Mr. FAIRCLOTH. Mr. President, on behalf of the majority leader, I want to announce that this morning, the Senate will immediately resume consideration of Senator SESSIONS' second-degree amendment to Senator DURBIN's amendment, concerning the tobacco agreement, to S. 1061, the Labor-HHS appropriations bill. As Members are aware, the Senate has been able to dispose of all but a very few amendments remaining in order to the bill. Therefore, the cooperation of all Members will be appreciated in the scheduling of time agreements and floor action on amendments. Members can anticipate rollcall votes throughout today's session of the Senate as we attempt to complete action on the Labor-HHS appropriations bill. Thank you, Mr. President.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1061.

The assistant legislative clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig-Jeffords amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Durbin-Collins amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997.

Mack-Graham amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center.

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Coverdell amendment No. 1097, to enhance food safety for children through preventative research and medical treatment.

Coverdell amendment No. 1098 (to Amendment No. 1097), in the nature of a substitute.

Specter amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative.

Harkin (for Wellstone) amendment No. 1087, to increase funding for the Head Start Act.

Harkin-Bingaman-Kennedy amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Harkin (for Daschle) amendment No. 1116, to express the sense of the Senate regarding Federal Pell grants and a child literacy initiative.

Murray-Wellstone amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program.

Domenici (for Gorton) modified amendment No. 1122, to provide certain education funding directly to local educational agencies.

Sessions modified amendment No. 1125 (to Amendment No. 1078), to provide for certain limitations on attorneys' fees under any global tobacco settlement and for increased funding for children's health research.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1125, AS MODIFIED FURTHER

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise today on the floor of the Senate to express my strongest opposition to an amendment which I am sure has been offered in good faith but the effect of which really will be to intimidate advocates of public health and, in particular, I think amounts to an intimidation of the attorney general of the State of Minnesota and, again, the public health community who have hired legal advocates on their behalf and on the behalf, I might add, of the collective public health people in this country.

Mr. President, let me give a little bit of information about Minnesota's tobacco case, because this amendment does not have a neutral effect. My colleague, Senator DURBIN from Illinois, last night pointed this out. In a State like Minnesota we have pored through 36 million pages, 36 million documents, in what promises to be the biggest court case this winter. This will bring to light a tremendous amount of information in all likelihood, I think, dealing with some very serious abuses by the tobacco industry, which could lead to a very far-reaching and major financial settlement for Minnesota and also lead the way for other States. It also could lead the way toward some really dramatic protection for people in this country. This amendment amounts to nothing less than an effort to intimidate advocates of public health and to intimidate the attorney general of the State of Minnesota.

The $250 per hour or $5 million cap altogether does not take into account, as my colleague from Illinois mentioned last night, different efforts that have taken place in different States. But to me, again, regardless of the motivation, the effect of this amendment is a get Minnesota amendment and, I might add, it really goes after, again, most importantly, advocates of public health.

I have no idea—I am not a lawyer—what the particular arrangements are between the attorney general and the contract with lawyers who are working with our State, but I doubt very seriously that we, the U.S. Senate, have the constitutional right to directly intervene in that. I do know this amounts to nothing less than an effort to get people to back down. I don't think that will happen, I say to my colleagues, not in Minnesota.

Let me say a little bit about Minnesota's tobacco case. Minnesota is the first State in the Nation to charge the tobacco industry with consumer fraud and antitrust violations and the second State to seek Medicaid reimbursement.

It is the only State with a private coplaintiff, Blue Cross and Blue Shield of Minnesota.

Minnesota's outside counsel, Robins, Kaplan, Miller, & Ciresi, has a national reputation for resolving complex litigation battles against corporate giants, including the Dalkon shield case and the Bhopal, India, chemical spill case.

This case was launched in August 1994. There are 36 million documents. The State has won the majority of pretrial motions and all appeals, including one in the U.S. Supreme Court.

The State has secured 30 million pages of documents through discovery. Minnesota has the largest collection of tobacco documents in the world, housed in two secured depositories in Minneapolis and London.

Public documents already cited as evidence in the case have detailed youth marketing, enhancement of the effect of nicotine, admissions of health problems, and other disclosures central to Minnesota's allegations. Most of the evidence remains under seal at the tobacco industry's insistence.

The court is reviewing tobacco companies' most secret documents, formerly hidden under attorney-client privilege claims, for possible disclosure. That is the current status.

The Minnesota case is rated by top tobacco stock analysts at Bernstein Research as ''the biggest threat'' to the industry.

The trial begins January 1998.

I think that is what this is all about, at least in its effect. Minnesota's court case is the biggest threat to the industry. We will see a disclosure of information that will be so critical to the health of people all across the country. This amendment amounts to an effort at intimidation toward the advocates of public health who have hired lawyers as their advocates and, again, I think is really aimed right at the State of Minnesota, really aimed right at the attorney general of Minnesota.

This is a tobacco industry amendment. This industry doesn't want a State like Minnesota to go forward. This industry doesn't want lawyers out there representing the public health community. Let's be realistic about it. The only way you can go through all these documents, the only way you can put together this kind of case, the only way you can go after these tobacco companies, these giants, is by having lawyers working for you. That is what the State of Minnesota has done. That is what the public health community has done. This amendment is an amendment aimed at trying to bring a halt to this process.

Mr. President, I am not, again, an attorney, but I will raise two or three final points. One, I don't really know how we in the Senate can say to the attorney general of Minnesota or the State of Minnesota, whatever your contractual arrangements are—and I don't even know what they are with lawyers representing your State—we're going to come in and essentially declare that null and void; we're going to supersede that contractual arrangement. I don't even know if we can do that.

No. 2, I will just tell you that when you are talking about 30 million pages of documents through discovery, this cap is not neutral in its effect on a State like Minnesota, and $5 million compared to what Minnesota might very well be able to accomplish by way of a damage suit, by way of compensation for the people of Minnesota, by way of information for the public, by way of what information comes to those of us in the Congress, by way of what we can do with that information to protect the public health really amounts to hardly anything.

Finally, Mr. President, there is a world of difference between $5 million and the amount ultimately that that kind of legal counsel on behalf of the public health community will be able to obtain, again, by way of financial compensation and by way of information and by way of protection for the public health, all of which has to do with research and protection of people's health in this country.

So let us just be real clear about this amendment. This is the tobacco company's dream amendment. That is what this is all about. And that is what this vote is all about. I think my colleagues will be making a big mistake if they do not think that people cannot see through this.

Just a little bit of chronology here so that people in the country understand this debate right now. And I think they do already. My colleague from Illinois, Senator DURBIN, joined by Senator COLLINS, Republican from Maine, in a bipartisan effort, came to the floor of the Senate—let us just be sort of historical about this for a moment—and said, wait a minute, we had this tax package, and we had this budget bill,

and that is what it was supposed to be all about. And lo and behold, somebody slipped in a $50 billion relief package for the tobacco companies that they could use as credit toward any final compensation that they owed to people in this country.

My colleague from Illinois was very polite. I will be just as polite because I do not really know who did it. He said that the tobacco industry's lobbyists put this in the bill. They did not actually, literally do that. Senators and Representatives did that. Actually, the tobacco companies' lobbyists are very powerful, obviously. We see it again with this amendment. But they are not actually so powerful, as the Chair knows, that they can actually directly write the amendment, literally be the ones who put the amendment in in the conference committee. They cannot actually do that. They cannot actually sit there and pretend like they are Senators and Representatives. Actually some Senator or Representative has to do that.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. SESSIONS. I have three questions.

First, do you know whether the attorneys in the Minnesota case are being compensated on a contingent fee basis, that is, in which they would get a percentage of the recovery, and in many of these States they have done not much more than file a lawsuit, and already the tobacco industry is willing to pay large sums of money which would enable attorneys to receive huge fees for almost no work? I understand perhaps Minnesota is different and that they may be, perhaps, the only State in which the attorneys are employed on an hourly basis. Does the Senator know whether that is true or not?

Mr. WELLSTONE. Mr. President, why not take all three questions and then answer all three of them.

Mr. SESSIONS. That is the first one.

Second, is the Senator aware that, with regard to the receipt or copying of the documents, those are expenses which are not covered by this bill, or at least this bill provides a full payment of expenses to attorneys who incur them legitimately, even in furtherance of these lawsuits, and would be reimbursed? I pose those two questions to the Senator.

Mr. WELLSTONE. My understanding is that on the first arrangement—and I am just learning about the arrangement right now—it is a contingency fee, which was challenged by the tobacco industry, and the tobacco industry lost that in court, in response to your first question.

On the second question, I think, still, it does not have anything to do with the——

Mr. DURBIN. Would the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to.

Mr. DURBIN. I believe the point by the Senator from Alabama is his covers the expenses but does not cover the legal fees. So the expenses of literally physically collecting all these documents would be covered, but to have the first attorney sit down and try to read them is going to be limited. So it is one thing to have a warehouse full of documents, but if you want to have competent legal minds reading those documents, deciding what is important for the lawsuit, the Senator from Alabama says that is fine, but we are going to put a ceiling on this, there is just so much money to spend.

Mr. SESSIONS. I guess the answer to the question, Mr. President, was the Minnesota case is not on an hourly basis but on a contingent fee basis?

Mr. WELLSTONE. That is my understanding.

If I could go on—I think I have the floor—I was going to say to my colleague, it is my understanding also that the tobacco industry challenged that and that they lost in court.

Then in response to the second question, actually what my colleague from Illinois said was what I was going to say as well. Again, I am not a lawyer, but it is pretty clear to me that it is fine to get the compensation for the copying or whatever needs to be done with all the documents, but somebody has go through those documents, somebody has to read the documents, and somebody has to try to determine what those documents really are saying in terms of culpability, in terms of what might have happened. That is, of course, the work that the lawyers are doing on behalf of the public health community.

But, Mr. President, since there isn't a third question, let me go back because there are other colleagues on the floor. And I will be pleased to——

Mr. SESSIONS. I will be glad to present my third question.

Mr. WELLSTONE. Sorry. You have the third question. I will be pleased to yield for the third question.

Mr. SESSIONS. Did the Senator know that this Senator refused to take money from the tobacco industry as attorney general and has sought tougher laws against the sale of tobacco to children and is not a tool or pawn of any tobacco company? In fact, I am offended it would be suggested otherwise.

I believe tobacco is a very unhealthy substance. I think it is quite plain it causes cancer and premature death, and we ought to do everything we legitimately can to reduce its use. In fact, I am supporting the amendment of the Senator from the State of Illinois and also of the Senator from Maine, Senator COLLINS, that would prevent them from having a $50 billion benefit. My concern is $14 billion in legal fees to many attorneys who do not deserve anything like that kind of fee.

Mr. WELLSTONE. Mr. President, let me respond to the third question. Then I will just finish up. But the first question actually raised by my colleague from Alabama raises an interesting question.

In response to the third question, I say to my colleague from Alabama, I very much appreciate what he said. That is why I was very careful in the beginning saying—I learned a long time ago to assume good faith on the part of other colleagues, to basically assume people are doing what they think is right. I would not suggest that my colleague is a pawn of anybody.

What I said was that the amendment, whatever the intention, has the effect, will have the effect, of intimidation of the public health community and will have the effect of and amounts to an effort in terms of its effect to intimidate the attorney general in Minnesota and the State of Minnesota. That is exactly true, and in that respect, it is a tobacco company amendment.

Mr. President, actually—to go back to Minnesota—I find it interesting that what happened apparently is Minnesota went to a contingency fee, and then as a result of that, the tobacco companies challenged this in court. So now we have an amendment on the floor which is another way of essentially trying to deal with this arrangement in Minnesota. I do not think we in the U.S. Senate should be doing this as it affects different States.

Mr. President, just a little bit of history to bring us to where we are right now.

So what happened is that unnamed colleagues—I mean, it was not the tobacco industry; they did not actually sit down in the committee and put the amendment in—somebody tucked the amendment in. Old politics, back room politics, you know, it just happens in the dark, just happens behind the scenes. I mean, once upon a time people viewed that as being clever legislators. It just does not work that way any longer.

So my colleagues come to the floor, and they essentially say, ''Look, let's just at least knock that out. That ought not be in there.'' That is what this amendment is about. That would be a proposition that we could have an up-or-down vote on.

When I was back in Minnesota and the stories broke that in the tax bill we had this $50 billion tax break, tax credit, tax giveaway to the tobacco industry, people in Minnesota were saying to me, ''Congratulations, PAUL. You voted against that tax bill. You voted against that budget bill. You knew, and a lot of other people didn't.'' And I said to them, ''You know, I've got be honest. I voted against that bill for other reasons. I didn't know. I would love to tell you I was the one person who did and that is why I voted against it, but actually I didn't know.''

This was just sort of tucked in there. Some Senators, Representatives—one, two; I do not know how many—put it in there. It was very cleverly done. But my colleagues have come to the floor and said, ''Look, we didn't know that

was in there. This is not the way it's supposed to work. This is not exactly a political process with a lot of accountability. We ought to take it out. We can have an up-or-down vote on that.''

Now what we have is an amendment with the intended effect to intimidate advocates of public health. I mean, that is not the motivation, but that would be the effect of it. I do not know that it is an intended effect. It probably isn't. But the effect of it would be to intimidate advocates of public health, to intimidate States like Minnesota where we have plowed through, again, 30 million pages of documents. The Minnesota case is rated by top tobacco stock analysts at Bernstein Research as ''the biggest threat'' to the industry. And I can see exactly what is going on here.

This is an amendment that is a dream come true for the tobacco industry to try to go after States like Minnesota, to try to make sure that States cannot go through with this. If that is what happens, then we all lose.

So, Mr. President, let me just make it clear that this amendment, if passed, would have the effect of intimidating the public health community, advocates for the public health community, and States like Minnesota that promised to bring to light, in what would be a huge court proceeding, information that will be vital to the public health of this country.

This amendment is not neutral in its effect. This is a tobacco industry amendment. That is what this is all about. Therefore, I urge my colleagues to vote no. As a Senator from Minnesota, I am proud that the Minnesota case is viewed as the biggest threat to the industry. I am proud that the trial is going to begin in January 1998. I am proud that, I think, a whole lot of information is going to come to light and we are really going to learn much more about what exactly has been going on within this industry and how it has affected our families and how it has affected our children.

But, Mr. President, this amendment is a get Minnesota amendment. This amendment, with its caps, is an effort to go after Minnesota, to go after advocates for Minnesota, to go after the public health community, to make sure that we do not have lawyers that are working on this and to make sure that ''the biggest threat'' to the industry court case may never take place. It is an outrageous amendment. I hope colleagues will see it for what it is and it will be voted down resoundingly.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that it is the desire of the Senator from Illinois and others to have the Senate make a judgment on this issue. But it is a very, very important issue. I welcome the opportunity to join my colleagues in making comments about the implications of this particular amendment. And I do so at this time.

Mr. President, the Sessions amendment is really one more attempt to aid the tobacco industry at the expense of the public interest. Make no mistake about it, its effect would be to set up a major roadblock preventing the States from pursuing their cases against the tobacco industry.

The Sessions amendment, as I read it, would restrict the ability of States to retain the attorneys to pursue States' claims against the tobacco industry. As we all know, 40 States have filed suit against the tobacco companies. So far only two of those cases have been settled. Just yesterday, the tobacco industry said that it will no longer be settling cases. The Texas case is scheduled to go to trial within the next few weeks.

As Senator WELLSTONE has pointed out, Minnesota, which has done an enormous amount of work on covering the sordid history of the tobacco industry, is scheduled to go to trial in just a few months.

So it would be an outrage for this Senate, acting at the behest of the tobacco industry, to handcuff the States as they seek to compensate their citizens from an industry that kills 400,000 citizens each year.

If Senator SESSION'S intent is to regulate the amount of attorney's fees to be paid as part of a national settlement, clearly, this amendment is premature and unwarranted. Congress has not even begun to seriously debate the merits of the national proposal. The issue of attorney's fees in a settlement should be considered after there is a settlement, not before.

The real intent of the Sessions amendment is clearly demonstrated by the fact that, as originally drafted, it only sought to restrict the attorney's fees of attorneys representing the States, not the attorney's fees of the tobacco industry. To restrict the plaintiff attorney's fees would dramatically tilt the already uneven playing field even more in favor of the tobacco companies. While Senator SESSIONS has now added defense attorneys to his amendment, regulating the amount of attorney's fees paid by the private party is highly questionable and probably unconstitutional. Thus the effect of the amendment would still be to place a burden just on the States.

Since under the terms of the settlement plaintiff attorney's fees would be paid by the tobacco industry and those funds are not to come out of the proposed $368 billion national settlement, limiting plaintiff attorney's fees would not produce an additional dollar for either the State governments or the Federal Government. It would merely further enrich the tobacco industry.

While the amendment says that the money saved would be paid to the Federal Government for use by the National Institutes of Health, the amount saved would never be determinable, and thus no significant payment to the Government would result.

So make no mistake about this amendment, blessed by the tobacco industry, it is a ploy to kill the Durbin amendment. We were all outraged when we learned that a paragraph had been slipped into the budget agreement to give the tobacco industry the $50 billion credit. The amendment, if it is allowed to remain law, would cost the taxpayers $50 billion.

There has been a justified outcry against that gross abuse of the legislative process. And there is now widespread support for repealing that ill-conceived provision. Big tobacco knows that it cannot prevent repeal directly, therefore, it has embraced the Sessions amendment as a diversionary tactic.

Let us decisively reject this cynical gambit, beat the Sessions second-degree amendment, and overwhelmingly approve the Durbin amendment. To do otherwise would be to erect an enormous roadblock in the path of the States pursuing justice for their citizens against the tobacco cartel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President. I speak in favor of the Sessions amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENZI. I have not even given my speech. I don't know how you could have a question.

Mr. DURBIN. It is about the procedure we are to follow during the remainder of this debate.

Mr. ENZI. I yield for a question on the procedure.

Mr. DURBIN. I wonder if the Senator would join Senator SESSIONS and myself in a discussion of a limit on the remaining debate on this amendment, if we could reach an accommodation and agreement as to how much time we would spend on the remaining debate?

Could I suggest, if the Senator would be kind enough to be party to this discussion, that perhaps we agree to 40 minutes, equally divided, between us, if that is agreeable to the Senators on the other side.

Mr. SESSIONS. Will the Senator yield?

Mr. ENZI. I yield.

Mr. SESSIONS. I think there is some discussion about us voting at 10:45. I think that would be agreeable with me if there is no objection. I think I indicated to the Senator from Illinois that I might need 15 minutes. That would be for me, personally. I think there are some other Senators that would want to talk during that time on this issue. I would be prepared to agree to that, but I would not want to limit my own time, the whole argument, in favor of this bill, to 15 minutes.

I want to say that to the Senator so I am not misleading him about the time.

Mr. DURBIN. I might not have caught the last comment made by the Senator, but it is my understanding we are going to take a vote on a motion to

table that I will offer at 10:45 and the time between now and then will be equally divided between the proponents that Senator SESSIONS shall acknowledge, and the opponents that I shall acknowledge on my side, is that correct?

Mr. SESSIONS. I have some concern. My concern about that is that the opposition to this amendment has already been talking at least 20 minutes, so I do not think it would be appropriate and I would not be able to agree to an evenly divided 22 minutes on each side. Perhaps if you added 15 minutes to that to our side and we voted at 11 o'clock, I would be prepared to consent to that.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there any objection?

Mr. ENZI. I agree to that time limit as well.

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

Mr. DURBIN. Mr. President, I am sorry, I want to make sure there is clarity here.

The debate will continue now for an hour, evenly divided, is that the point, and the vote to be taken at 11 o'clock?

The PRESIDING OFFICER. The debate will conclude at 11.

Mr. SESSIONS. What I indicated I would agree to would be that we would add 15 minutes to the 22 minutes that you have, making 37 minutes for the proponent of the amendment and 22 minutes for the opposition. I think that would be fair in light of the fact that you have already taken more time than that this morning in opposition to the Senator's amendment.

The PRESIDING OFFICER. The Chair understands that clarification. That would be in order.

Mr. DURBIN. Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I do not have very many remarks on this but my remarks have grown just since I have been here this morning.

I am fascinated with this accusation that my fellow Senator from Alabama is doing this on behalf of the tobacco folks. I have not seen him do anything that has looked like it was on behalf of the tobacco folks in this settlement. I have not done anything on behalf of the tobacco folks in this settlement, and during my campaign, even though I was desperate for money, I didn't accept any money from the tobacco folks.

I am in support of the second-degree amendment and I am in support of the first-degree amendment. I am in support of both of them because they both leave all the money on the table. That is kind of hard to determine. We do not know at this point what the money is that is on the table. The Senator from Kentucky last night went through quite a discussion of how much it might be in addition to $368.5 billion, but this debate is about how much less than $368.5 billion it might be.

Quite frankly, I am fascinated with the whole discussion on the tobacco settlement. I hear these comments about whether it is constitutional to limit attorney's fees or not. I cannot tell you for sure that it is constitutional for us to be talking about a tobacco settlement at all. This is an arrangement that the States entered into, through some lawsuits, and then some discussions, and now they are asking us to seal the deal on their behalf. Usually they are asking us to keep our hands out of their business, and I am in favor of doing that. I think the States have some rights that we have infringed on for a long time and that it is our job here to return as many of those rights to the States as we possibly can.

So now we have the States saying, ''Please meddle in our affairs and seal this deal for us.'' Quite frankly, I am not hearing them say, ''Meddle in this deal but don't meddle in the attorney's fees.'' They are not saying that. We are not even sure what the attorney's fee arrangements are between the different States.

If we have a constitutional right to do one, seal the deal, I think we have a constitutional right, too, to make sure that we understand what the attorney's fees are.

When this passes it will not be the final time that it will be debated. There will be a conference committee on it and one of the things I have learned in the short time I have been here in the Senate is that those conference committees can do almost anything they want. When this particular amendment comes back it can have eliminated every concern of the people in the House and the Senate. Everything we have debated here can be changed or it can be left out.

I think at this point it is extremely important that we talk about the attorney's fees and not let everybody in the country go running off to hire more attorneys at whatever rate they can entice them. Quite frankly, I think this could turn into one of the biggest lotteries in the United States. I think we need to have some parameters.

Now, the parameter that is in this amendment is $5 million, or $250 an hour for each and every hour they put in the process. It was mentioned just a little while ago that you have to have people read the documents and determine what is important out of several million documents. Well, each and every one of those people reading those documents would get $250 an hour, not just the lead attorney, and him having to separate it out to the people reading the documents for him, everybody gets $250 an hour. That is quite an economic boon. The only limitation on it is $5 million per State.

Do you think these people went out and obtained $5 million worth of State money or even suggested that attorneys ought to be able to get that through a contingency fee? If they did do that, why are they turning around and asking us to confirm what they did, but saying, ''We cannot give you the details?'' This amendment will bring out the details, and it is not the final action. The first-degree amendment brings out the details.

We found that there was a stipulation in the last conference report—it was not an action we took, it was a conference report action—that there would be a credit against the tobacco tax, and we say, no, we will put that back on the table. I am all for putting that back on the table. We are starting to commit settlement money without having a settlement, without having a deal and without knowing whether the money is for the Federal Government or for the States. It is too premature to make those kinds of deals.

I commend the Senators from Maine and Illinois for their effort to get the cigarette tax back on the table so we can decide, and I commend the Senator from Alabama, Senator SESSIONS, for putting the attorney's fees on the table so we can take a look at whether they earned them or not and what part they played in this process. It seems to me to be logical.

Another little twist on this whole tobacco settlement is we are talking about several years of payments in the tobacco settlement, but we are talking about upfront, putting them out of business. There is not much clamor against putting them out of business, but you do not get money over a long term from somebody that you put out of business.

We want to stop the cigarette sales. We want to get people to quit smoking and having the harmful residuals that are showing up from the tobacco, but are we going to give away the first money that comes in, the money that is most assured of having, to the attorneys? And then when we put them out of business, saying ''What happened to the other $300 billion we were going to get out of the bill? How come we don't get the money?'' We committed that money.

So I certainly hope that the Senate will be careful and not commit money that we do not have, commit money that we do not understand how we are going to get, commit money that it may not be constitutional to take. But I do hope we will investigate and work this thing to the greatest benefit possible for stopping smoking and helping the health situation in this country.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for his comments. He is a very thoughtful Member of this body and watches after the taxpayers' money with great interest. I think his comments are right on point. I am delighted to have him share those with us today.

We are talking about allowing $5 million in attorney's fees to be paid. In addition to that, we are talking about allowing unlimited amounts of money to be spent for expenses in a litigation.

That could be for computerization, committees, receiving records, clerks analyzing records and collating records, filing records, and storing records.

I have been an attorney for a long time. This idea about 30,000 documents, that is what you normally say when you come to court and you are not ready to go to trial and you say, ''Judge, we have 5,000 documents.'' Well, probably 4,999 of them are some sort of receipts or documents that do not even need reviewing, have no real significance to the issue at hand, but there may be a few in there that do. That is a price of fame about how many documents it is—suggesting the great complexity of the case that may have very little to do with the complexity of the case.

Let me say this, there has been a lot of talk about big tobacco. I am not supporting big tobacco. I am supporting the amendment that is on the floor today.

What I would like to say is there is another big political force in this country, there is another big force in this country that attempts to work its will, and that is the plaintiff lawyers. They are one of the major contributors to campaigns in this Nation. They receive settlements of millions of dollars in lawsuits and contribute millions of dollars to people, politicians and judges and others who further their view of what litigation is about.

Now, I believe in litigation. I am not against litigation. I am not against the lawsuits. I do not want to pass a bill that would stop these lawsuits. I am going to tell you we are talking about not just millions of dollars, not just tens of millions of dollars, not just hundreds of millions of dollars in legal fees. We are talking about billions of dollars, tens of billions of dollars.

Published reports indicate that this time that the plaintiff attorneys, these private attorneys who are hired to do these cases by the State attorney generals, they expect to receive $10 to $14 billion—billion dollars.

In the State of Alabama, outside the education, the general fund budget of the State of Alabama is less than $1 billion. We are talking about a small group—not hundreds and hundreds of attorneys, but a small group of probably less than 100 firms, probably less than 50 firms, receiving $10 to $14 billion in legal fees. Many of these States have only just filed their lawsuits. The tobacco company comes in and agrees, and they put the money out on the table—$300, $400, or $500 billion on the table. Most of these attorneys have contingent-fee contracts, in which they intend to receive a percentage of that money, and they did little more than copy a lawsuit and file the same lawsuit some other lawyer filed in some other State. They are entitled to do that under their fee agreement. It is not right. It is money that ought to be going to the health of children in America.

This bill says we are going to put a limit on it, and $5 million is a pretty good legal fee. In my opinion, $250 an hour is high-paid attorneys. I think anywhere else you would see that. So we think that is a good limitation on it. And it is unlimited on expenses that may be incurred. I think, Mr. President, this is a good way to deal with this matter.

I am going to tell you what has offended me. I was a State attorney general just last year, and I had some knowledge of how this litigation was being managed and how these attorneys were being hired on a contract basis. So I have asked about that when we have had hearings in the Senate Judiciary Committee of which I am a member. I have asked one of the attorneys general what the fee agreement was in his State. He avoided answering that. Others have asked that question. We have gotten no answers. I have written an attorney general and two of these plaintiff lawyers and asked them, over a month ago, to tell me the nature of their fee agreement and how much they expected to get. I have yet to hear from them. Senator GRASSLEY, a member of the Judiciary Committee, has also written letters asking about how much money is going to be paid for attorney's fees, and they won't say. They have everything else spelled out in this global settlement, but they don't talk about the billions of dollars that will be going to plaintiff attorneys, many of them who put little work into the case. They don't want to talk about that.

In fact, this whole settlement agreement is designed to conceal the amount of money paid as attorney's fees. There is no other way to describe it. I hate to say that. It is a serious matter, what is happening here. Let me explain to you, as a litigator and attorney myself, and former attorney general, I have an appreciation for this matter. These private plaintiff attorneys who expect to make themselves rich on this settlement representing the States involved have said: We won't talk about our attorney's fees publicly. We will just enter into a side agreement with big tobacco and they will pay our attorney's fees. The tobacco industry will pay our attorneys' fees. The State of Alabama, the State of Minnesota, or the State of Illinois won't have to pay our attorney's fees. The tobacco industry will pay our attorney's fees. That is a joke. That is not a way to settle a lawsuit. These attorneys work for the State, who is supposed to be paying their fee, not the party on the other side, not the person they are suing. They should not be paying the fee in a secret arrangement.

These attorneys are representing the State, the people. We need to know and we are entitled to know how much they are being paid. This bill says that they must make public any fee agreements they have and report to the people how much they expect to receive. I think that, at a minimum, we need do that. It is time to send a message that we are not going to tolerate this behavior. Everything else is going to be on the table. We are not going to have bills that go through to provide tax benefits to tobacco and we are not going to have plaintiff lawyers, who are some of the biggest contributors to political campaigns in America, enriching themselves any more than tobacco ought to enrich itself with a secret, side agreement.

Now, let me talk about that just a little more. The problem —and I think any lawyer would recognize this—is a conflict of interest. The attorney for one side says to his client: Don't worry about the attorney's fee, Mr. Client. I will get the attorney's fees from the guy we are suing. He will pay me and we don't need to bother to tell you about that. See? So the deal is, well, you get into a tough point in the negotiation and you can't reach a settlement, and big tobacco says to the attorney for the State of Alabama, or the State of Illinois, or the State of Minnesota: Well, why don't we just add a billion dollars for attorney's fees, Mr. Attorney. Maybe you can agree to this idea.

See, that is the fundamental conflict that is there. I think this probably would violate the standard rules of ethics. Certainly, it would violate the high standards of the legal profession. And I am sure any group of prominent attorneys asked about that would express very serious concerns about that because it presents a conflict of interest and the kind of activity that ought not to be tolerated. So I think we need to get into this. I think we need to limit these fees and take that money, as our bill does, and send it to the National Institutes of Health so it can be used for research on children's diseases. I think that is the appropriate use of any of these excess fees.

Mr. President, let me just say this. There are a lot of States who have just recently filed these suits. I submit they have done little more than copy the suits that some of these other States have filed. Yet, they are large States and they are going to receive tens of billions of dollars, and based on what I understand may be a common fee arrangement, these attorneys would be entitled to receive 25 percent of the recovery. I don't know why the published reports say that it is $10 to $14 billion. That seems to me to be less than some of these arrangements. Maybe, but at any rate, it is too much. Twenty-five percent of that may be $100 billion in legal fees, which could provide all kinds of assistance and aid to dealing with children's diseases and health-related matters, many of which we ought to focus on tobacco, because we do know that tobacco is a very unhealthy substance. We know that teenagers who become smokers find it extremely difficult to quit later as an adult. In fact, it is many times more difficult for a person to quit smoking if they commence smoking as a teenager than if they began as an adult. That is why we

need to deal with the health question of teen smoking and why I think it is an important national issue. I salute those who believe in doing something about it.

Finally, let me just say this. What business do we have in involving ourselves in this kind of litigation and trying to involve ourselves in what kind of attorney's fees should be paid? The reason we are involved in it is because we have been asked to. The attorney generals, these plaintiff lawyers, and big tobacco have all asked us to involve ourselves and legislate this settlement. That is an interesting, probably unprecedented event, so far as I know, in the history of this country. We are talking about dealing with that professionally and analyzing it. A number of committees in this body are looking at it today, and I am sure it will be hammered out and much will be done. But I simply say that if this body does not legislate a global settlement concerning this litigation, this amendment will have no effect. It takes effect only if there is a global legislative confirmation of some sort of this settlement. At that point, I think it is appropriate for us to limit attorney's fees and deal with this. As a matter of fact, I think it is more than appropriate; I think it is absolutely essential that we do so.

So, Mr. President, I say to this body that this amendment is, in no way, designed to assist big tobacco. I am offended that anyone would suggest that it does. It is designed to put money in the hands of children by taking it from lawyers who are about to receive one of the biggest windfalls in the history of litigation—not one of the biggest, but the biggest windfall in the history of litigation in the entire world is about to occur. Attorneys are about to receive tens, hundreds of millions of dollars for cases they only worked on a few months. A few firms may have worked longer, but most only have worked a few months on these cases and have not expended large sums of money. This amendment gives them a very generous $5 million in attorney's fees and an unlimited expense account to carry on their litigation. And, in addition, it says there has to be some reasonable limits. We are not going to allow them to have a jackpot justice and make tens of hundreds of millions of dollars off of litigation of this kind.

So I say to the distinguished Members of this body that this is a proper thing for us to do. It is a proper time for us to do it. I also say there is something unhealthy here, something that does not quite smell right, when we have secret agreements on attorney's fees, representing billions of dollars, and they won't even be discussed at a time we are being asked to evaluate this entire settlement.

So, Mr. President, I strongly believe that this is a reasonable and fair amendment. It allows very generous attorney's fees and expenses to be paid, but sets a cap on it so the people of this country can know that the recovery in these lawsuits is going to help and not go to attorneys in a windfall.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Would the Chair be kind enough to alert the Members as to the remaining time allocated to both sides?

The PRESIDING OFFICER. The Senator from Illinois has 22½ minutes. The Senator from Alabama has 16 minutes and 8 seconds.

Mr. DURBIN. I thank the Chair.

Why are we here today? Because the tobacco company lobbyists, at the last minute, in our tax bill, which we considered several weeks ago, managed to sneak in a provision that was not debated on the floor of the Senate, nor on the floor of the House. It was never brought to public light. It wasn't discussed by the leadership, by anyone. And this provision, which is 46 words at the end of the tax bill—a provision which they hoped no one would notice—gave to the tobacco companies a $50 billion setoff against any tobacco settlement. The tobacco companies that came to us and said, ''We have learned our lesson, we are a new industry, we are sensitive to the public health problems we have created,'' managed to sneak in in the dead of night and put in this provision, which gave them a $50 billion setoff.

Outrageous. When it was discovered and when we went about Capitol Hill, from office to office, saying, ''All right, who is going to claim pride of authorship here?'' Not a soul would admit they authored this provision. After weeks of investigation, finally, a staff member came forward and said to the USA Today that it was prepared, word for word, by the tobacco companies. They put this provision in the law. They put it at the tail end of this bill, and the leadership on Capitol Hill looked the other way, at best. As a result, this $50 billion outrage is now in the law.

Senator COLLINS of Maine and I have offered an amendment to repeal that. Now, the tobacco companies don't like our amendment. They have already said publicly that if the Durbin-Collins amendment is adopted, it is going to jeopardize the settlement. They want a $50 billion windfall. Well, I sense from the debate today that when this is over, that provision is going to be repealed. But I have learned from over 10 years of fighting these tobacco companies never to assume a thing. They always have one trick left in the bag. Unfortunately, that trick is the Sessions amendment.

Let me tell you this. I don't, for a moment, question the sincerity of my colleague from Alabama. Nor do I suggest that he is a cat's-paw of the tobacco companies. But make no mistake, if he ends up winning his amendment, you will see a smile on the grizzled mug of Joe Camel, because the Sessions amendment will achieve what the tobacco companies have failed to achieve. The Sessions amendment is the effort of the tobacco companies when they can't stop the lawsuits to stop the lawyers.

Oh, how they must despise these plaintiffs' lawyers—this army of lawyers who joined with attorneys general across the United States in 40 different States and said, ''We will join with you in suing the tobacco giants. We understand each State is hard pressed to have the resources to bring the lawsuits. We will be involved in the lawsuits on a contingent basis. If you win, if your State wins, then we get a fee. If you don't, then our fee is reduced.''

It is a contingent-fee basis. It is a basis for many lawsuits. There is nothing inherently evil or outrageous about it. Many people come to lawyer's offices every day without the resources to prosecute a lawsuit, and a lawyer says, ''I will take it on a contingency. If you win, I win a fee. If you lose, I don't win a fee.'' There is nothing sinister about this. It is a contingent fee.

So that is what we are debating here today. The Senator from Alabama calls it jackpot justice. I have heard him in committee and on the floor. And he has very strong personal feelings about contingent-fee lawsuits. That is his point of view. I don't share it. But consider what his amendment would do.

First, it would limit the total attorney's fees paid in the United States of America to all the plaintiffs' lawyers assisting all the attorneys general to $250 million maximum—a huge sum of money, is it not? But in the context of a tobacco settlement of $368 billion, how big is it? It is one-tenth of 1 percent. That is the contingency fee which the Senator from Alabama thinks is a reasonable amount. I would suggest to him that he shouldn't prejudge what each State attorney general faced when they were asked by their taxpayers and consumers in the State to bring a lawsuit against these giant tobacco companies and entered into agreements with the various attorneys to help them do that.

In fact, I think quite honestly the Sessions amendment is designed to stop one lawsuit in particular—the Minnesota lawsuit. Attorney General Skip Humphrey of Minnesota said he is going to try it. Unlike the States of Mississippi and Florida, which have settled, the State of Minnesota has said we are going to take this to trial. The tobacco companies dread that prospect because, if, in fact, Minnesota goes to trial, then the documents which they have secreted, the documents which they have concealed for decades, will finally come to light.

I went to a meeting a few weeks ago, Senator DASCHLE's task force on this subject. And a representative of the tobacco companies came in, and said that if the Minnesota case goes to trial there will not be a tobacco settlement. They dread so the prospect that the things which they have secreted away

from public scrutiny will come to light that they, in fact, have said, ''Stop the Minnesota case.''

I believe the Sessions amendment wittingly or unwittingly will stop the Minnesota case. Is that fair? Is that fair after the State of Minnesota and so many other States have invested so much in this effort for us to step in at this moment, and say, ''We will void your agreements, we will void your contracts, we are the Federal Government, after all, and we will second-guess you?''

Some people even question whether Senator SESSIONS' amendment is constitutional. They wonder if we, in fact, under article I, section 10, of the Constitution can impair the obligation of contracts already entered into. But I don't know that we will resolve that constitutional question on the floor.

What we can accept as a reality is that if the SESSIONS amendment goes forward it will at least put a damper on any future lawsuits and perhaps stop them in place. They will be jumping for joy on tobacco road, if the Sessions amendment is successful. In aiming at the attorneys and their contingency fees, the Sessions amendment hits the public health community, which has had the courage to step forward with 40 attorneys general and sue the tobacco companies. The Senator from Alabama may think that he is sending a message to the attorneys of America about contingency fees. He is sending a message to tobacco companies that they still have a chance on the floor of the U.S. Senate.

I hope my colleagues will not support this amendment. In fact, I would like to let them know that if, in fact, my motion to table prevails and the Sessions amendment is not agreed to, that I will then offer a sense-of-the-Senate amendment of my own.

I would like to read it.

It is the sense of the Senate that attorney's fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco related costs affected by Federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health.

The bottom line of my substitute would require each State, each attorney general, to make a public disclosure of their fee arrangement with any attorneys that have been brought into this lawsuit, and no moneys paid to those attorneys will be at the expense of the public health initiatives that are part of this settlement. Then in each State the attorney general, in most cases elected, will have to be held accountable as he or she should be for their decision.

I don't think that is unreasonable. And I think, as they come forward to explain to the taxpayers of their State that they entered into this contingency fee arrangement knowing that they might or might not recover, that the attorney's fee ultimately paid will be justified by the money coming back from the tobacco companies to the taxpayers of the State. Public disclosure—I don't think that is unreasonable.

But I do believe the Sessions amendment is unreasonable. What it seeks to do is begin to draft the national tobacco settlement agreement. And I don't think that is fair, and I don't think this is the appropriate time to do it.

The purpose of the Durbin-Collins amendment is to go back to where we started—to that point in time where the tobacco companies' offer of $368.5 billion, through the State attorneys general, came to Capitol Hill to be debated. It wipes off the books the $50 billion set-aside—the $50 billion giveaway—and it says we are back to the starting point.

If we adopt the Sessions amendment, I think we are going to jeopardize not only the active prosecution of these tobacco companies but jeopardize this settlement agreement.

I yield the floor. I reserve the remainder of my time.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Will the Senator from Alabama yield 5 minutes?

Mr. SESSIONS. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. GREGG. Mr. President, first off, I am a cosponsor of the underlining Collins-Durbin or Durbin-Collins amendment. Second, I am a very suspicious of this tobacco agreement.

I tend to think that there are some serious concerns here relative to what we are getting and what is being done. And especially I am concerned about the fact that I think the only winners out of this may be the trial lawyers and the tobacco companies. And I don't think that should be the result of the settlement.

But I also strongly support what Senator SESSIONS, the former attorney general from Alabama, is proposing here because basically what we have here is an unholy alliance between the tobacco industry and the trial lawyers.

It was pointed out very effectively by Senator SESSIONS that there is almost an ethical question here of whether then you pay off the people suing you to stop suing—pay them all off in terms of multiple billions of dollars. We are talking about here potentially $40 billion to $50 billion in attorney's fees, and whether or not when such an occurrence happens, whether you have any sort of agreement which is fair, ethical, or appropriate. So Senator SESSIONS has raised an extraordinarily legitimate question.

I think it is extremely inconsistent for those who are opposing the tobacco settlement generally, and who have put forward this amendment—the underlying amendment, which is a good one, to try to knock out at least one section of this proposal which was moved in the middle of the night—for that same position to be arguing on behalf of the trial lawyers, I find that to be entirely inconsistent.

Moreover, I find the arguments that have been made from the either side to be filled with straw dogs and red herrings. Let's talk about them for a second.

First is the argument that the Minnesota case wouldn't go forward. Of course the Minnesota case will be forward because the trial attorney's fees, which will be affected by the Sessions amendment, apply to the agreement—not to trying cases when there is a case tried, when it goes to trial, or when it is outside the parameters of the agreement. Then clearly the contingent fee will lie if the case is successful. So that is a red herring in the first order.

The idea that this is unconstitutional because there is some sort of contract that is being abrogated, obviously it is constitutional because the fact is the Congress is being asked to create this contract. That is what we are being asked to do. There is no contract yet. The Congress is being asked to create a contract. If we are going to be asked to create this contract, we can certainly dictate one of the terms. And one nice term might be that we not end paying the trial lawyers $40 billion but rather pay NIH that $40 billion. In fact, by my estimate you can fund almost all the uninsured health care in this country today. Almost all of the people who do not have health care could be funded if we were to take $40 billion of the trial lawyer's fees and apply it to the uninsured people in this country. And, as a result, for almost a 5-year period I think you would have funding for the uninsured health care of people who do not have health insurance in this country. In fact, in the major debate that we just had over child health care insurance the issue was whether we should go from $16 to $24 billion in order to cover uninsured children in this country today—$24 billion for a 5-year period.

This $50 billion for trial lawyers—let's put it toward the kids. Let's put it toward health care. It is a heck of a good idea that the Senator from Alabama has come up with. NIH can use this money much better. Uninsured people in the health care community can use this money much better.

At the absolute minimum we should have some disclosure here as to what is going on. You talk about deals in the middle of the night, which the Senator from Illinois has so aptly pointed to, and the Senator from Maine has so aptly pointed to in the passage of this tax break, which is totally inappropriate, a deal in the middle of the night. This is a deal in the middle of night on some other continent. I mean, we can't even find out what this deal is. At least we found out what the tobacco deal was on the tax side, and the Sessions amendment will get us to the bottom of that issue to find out what the heck really happened here, and how much

the attorney's fees are going to be. But we know they are going be massive. Otherwise they wouldn't be fighting so hard to keep us from finding out about them.

So the Senator from Alabama has raised a totally appropriate amendment. It is a red herring to allege that this in any way assists the tobacco industry. It does just the opposite. The fact is that the trial lawyers have had a stranglehold on, regrettably, this administration. They have seen this administration veto two major product liability bills—the securities bill and the product liability bill, one of which we were smart enough to override, the other of which we couldn't override as a result of the trial lawyer influence. Now when we are trying to get to the bottom of just how much is going to be paid here, how much is coming out of the people's pockets, we run into this argument that it is inappropriate.

The amendment of the Senator from Alabama is totally appropriate. And I strongly support it.

The PRESIDING OFFICER. Who yields time?

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Maine?

Mr. DURBIN. I yield 5 minutes to the cosponsor of my amendment, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise in very reluctant opposition to the amendment offered by my friend and colleague from Alabama, Senator SESSIONS. I do believe that the issue of attorney's fees is an important one. But it should be debated in the context of the global tobacco settlement. My fear is that despite the best intentions of the sponsors of this amendment that passage of the Sessions amendment would jeopardize the underlying Durbin-Collins amendment to repeal the $50 billion tax giveaway to big tobacco. For that reason, I am going to vote to table Senator SESSIONS' amendment.

I do want to point out one issue that has become obscured in this debate, and that is that the money that will be paid in attorney's fees does not come out of the $368.5 billion global settlement. Instead, the attorney's fees will be paid by the tobacco industry, separate from the settlement. So the attorney's fees do not diminish the amount of the $368.5 billion settlement. I think that is an important point that has been lost in this debate.

I share the concerns of my colleague from Alabama about an attorney's fees. I think there are, however, constitutional issues about whether Congress can step in and abrogate contracts that were reached between the States attorneys general and private law firms. That is an issue that deserves to be thoroughly explored. But, most of all, I urge my colleagues, whatever their position on the tobacco settlement, whatever their position on the issue of attorney's fees, to save this debate for a more appropriate time. And that is when the global tobacco settlement is before the Senate. My fear is that the passage of this amendment would jeopardize the underlying amendment to repeal the $50 billion tax break, and I do not believe we should allow that to happen. For this reason, I will support the motion to table, offered by the Senator from Illinois.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, could the Chair inform us of the time remaining?

The PRESIDING OFFICER. The Senator from Illinois has 9½ minutes; the Senator from Alabama has 10½ minutes.

Mr. DURBIN. Mr. President, I am prepared to yield some time to my friend, the Senator from New Jersey. I would like to yield 5 minutes to the Senator.

Mr. LAUTENBERG. I thank the Chair. I thank the distinguished Senator from Illinois for the courtesy. I will not talk long now. It is my understanding this is the only vote that has been registered for consideration at this juncture, and I assume that there will be time between the vote on the Sessions amendment and the underlying Durbin amendment.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I just want to register my support for the Durbin-Collins amendment to repeal big tobacco's rebate in the tax reconciliation bill that granted a $50 billion giveaway—$50 billion giveaway—to the tobacco industry. The condition that has created so much suspicion about the tobacco companies and their industry is that there is no time, no time at all when they come forward cleanly, let the smoke clear away, and offer direct and candid explanations about what it is they have been up to all these years.

I will have some comments later about the speech given last night by the distinguished chairman of the Judiciary Committee, Senator HATCH. He asked for a quick conclusion—let's get going. He asked that the President send down a bill that we can discuss and vote on, get it done with.

Well, Mr. President, this attack on the American people's health has been going on for decades, more than 50, 60 years. I remember when I was a soldier and part of the ration kit that I got to be used as an emergency food supply had some cigarettes stuck in it. It was so much a part of our structure, so much a part of our culture that cigarettes became more valuable than currency in some of the countries during the Second World War.

So there is a lot of information that has been accumulated over a lot of years, and contrary to the comments of the distinguished Senator from Utah last night, I think we ought to take our time. I think we ought to make sure that we have the most complete review of millions of pages of information. I think that we can find what we want within a group of documents about 1.5 million pages long. They are called the Minnesota Select Set. There has been a consolidation of information to fewer pages than the full 33 million that the court in Minnesota is going to have for review.

Last night, the distinguished Senator from Utah talked about 33 million pages. He said, what do we need that for? Well, I think it is quite clear to people within earshot here and who have been watching what has been going on in the Capitol when the committee now reviewing campaign expenditures or campaign revenue raising, fundraising, has requested over 10 million documents for review from the AFL–CIO alone, by the Senator who is chairman of that committee, Senator THOMPSON.

So, Mr. President, we are talking about a very complicated piece of agreement. We have by the most conservative yardstick probably 5 million people killed as a result of smoking, who died prematurely as a result of smoking. We know that 430,000 die each year from respiratory-related conditions—lung cancer, you name it, emphysema. We learned recently from a study by the Harvard public health school that 50,000 heart attacks per year, fatal heart attacks per year, take place among those who are subjected to passive smoking, not smoking themselves. So again by the most conservative of calculations we say that some 500,000 people have been dying as a result of smoking-related illness.

If I might ask, Mr. President, my friend from Illinois for another minute.

Mr. DURBIN. I yield an additional minute to the Senator from New Jersey.

Mr. LAUTENBERG. So, Mr. President, I hope that we will not be rushed into doing something, get it behind us, get it over with. There is much too much to be gained by a thorough review of all of the documents, and we should not ask the President of the United States to come down here pell-mell, willy-nilly with a bill for us to consider and pass. If it takes time, I think that time can be valuably used despite the fact that I would like the assault on our children to stop as quickly as possible. I do not want any more seduction of our children to pick up smoking because the tobacco industry knows, in their spurious attempts at trying to ensure their marketplace, they have directed their marketing at children, trying to get 3,000 kids a day to pick up the smoking habit so a million a year of new smokers will be there to replace that market which is affected by those who are dying prematurely.

So, Mr. President, I look forward to an extended debate. I hope that the

Durbin-Collins amendment will be supported overwhelmingly to show the American people that we are not going to knuckle under to the machinations of the tobacco industry. We are not going to let it get through the front door or the back door. We want to close down what the tobacco industry has been doing to our citizens for these many years, and it is perhaps going to take more time than would be thought to be necessary to arrive at a proper settlement.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DURBIN. Will the Senator from Alabama yield for two very brief questions about his amendment?

Mr. SESSIONS. Certainly.

Mr. DURBIN. I want to clarify something that has been said during the course of debate. First, is it the intention of the amendment of the Senator that the limitation on attorney's fees would apply in those cases where States decide to go forward and prosecute a case as opposed to those that are involved in the national settlement agreement?

Mr. SESSIONS. I believe that the correct interpretation of this amendment and the intention of it would be, if a case went on to litigation and was not a part of the global settlement, it would not be covered by this agreement. But any settlements that were entered into now or subsequently that asked to be part of the global settlement by Congress would be appropriately covered.

Mr. DURBIN. So the Senator is saying—I am trying to reconcile his section (b). He applies this limitation to court orders as well as any settlement agreement. It would seem his limitation on attorney's fees would apply in either instance, whether the State decides to prosecute the claim and ignore the possibility of a national settlement or in fact reaches a settlement agreement. It would appear that his limitation on the attorney's fees would apply in either case.

Mr. SESSIONS. I don't think it would apply if the case went on to litigation because it would not be part of the global settlement. Our bill does not take effect unless there is an act of this Congress that globally settles the litigation.

Mr. DURBIN. I might say to the Senator I think his amendment needs to be clarified because that was not clear to me.

The second point I would like to raise, in section (e) where you provide for funds for children's health research, if in fact attorney's fees are not to be paid out of the $368.5 billion and in fact are to be paid separately, from what source is the Senator drawing these funds that would go to the National Institutes of Health?

Mr. SESSIONS. Mr. President, I don't mind responding to the Senator's question. I sought the floor. But I choose to have it on his time.

The PRESIDING OFFICER. The Senator may decline to yield further time.

Mr. SESSIONS. I have some comments that I would like to make and my time is getting short, but I think it would support the National Institutes of Health and that is what we would favor.

This is a matter of real seriousness. We are not talking about a little game or gimmick here. We are talking about huge sums of money. The Senator from New Hampshire talked in the debate on this floor of from $16 to $20 billion of children's insurance and how $4 billion was considered carefully before the Congress appropriated that money. We are talking about perhaps $40 billion in attorney's fees, and they refuse to tell the American public how much the fees are. They refuse to produce their agreements. These are attorneys representing public bodies, not private individuals.

With regard to contingent fees, I am not against private contingent fees. I think in many cases that is an effective and appropriate way to handle litigation for a private party. But I am very concerned about public bodies hiring attorneys to represent them and the people of their States on a contingent fee basis that could result in awards of attorney's fees of tens of billions of dollars. So I would think very seriously about that.

I was amazed to hear the comment made that this would intimidate and hamper the public health community. The public health community will benefit from this because we would see this money go to the National Institutes of Health and not to attorneys, so they could use it for research and other good things. It will not stop the ongoing litigation. I certainly believe it will continue in every State in the Nation that chooses to proceed.

Finally, I think the Senator from Maine is incorrect in suggesting that this is somehow not money that counts because it was money not made part of the settlement but added on to it by the tobacco industry. If you have been a part of the litigation, before you know it, the defendant, before the award is paid, wants to know the total bill, and when he finally agrees what his total bill is, he does not care how it is spent or how the other side uses it. So he will call it attorney's fees, he will call it anything else. He just wants to spend the $386 plus billion, and that money is money the tobacco company is prepared to spend to end this litigation. Therefore, it is money that ought to be spent, as much as possible, on children and not on lawyers.

Mr. President, I see the Senator from Kentucky is here and I will yield for a question, or time. I will yield the floor at this time and yield my time to the Senator from Kentucky for 4 minutes.

Mr. MCCONNELL. Yes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank my friend from Alabama. Again I want to commend him on an outstanding amendment. I have been able to pick up part of the debate, and I might ask my friend from Alabama if one of the arguments being made by those who oppose his amendment is that somehow these lawsuits are not likely to be brought if a lawyer could only bill $250 an hour? Is that, I gather from my friend from Alabama, one of the suggestions being made by the opponents of his amendment, that somehow being restricted to a mere $250 an hour is going to deter the lawyers of America?

Mr. SESSIONS. That is correct—$5 million is not a sufficient fee for a lawsuit.

Mr. MCCONNELL. Right. That is the other part, I gather, of the Senator's amendment, either $250 an hour or $5 million, whichever is——

Mr. SESSIONS. Less.

Mr. MCCONNELL. Less. I would ask my friend from Alabama, who has had a distinguished career over the years, has he ever known a lawyer to be deterred from representing a client when there was a potential $5 million or $250 an hour fee on the line?

Mr. SESSIONS. I have not, and I consider $5 million to be a very substantial fee on any market in America, certainly.

Mr. MCCONNELL. I do not know how the economy is in Alabama, but I would say to my friend I am not aware of many people in Kentucky that make $5 million over a year, or even 2 or even 3—just a small handful of people. Would my friend from Alabama agree with me that this is not likely to be a deterrent to representation of a client if the fee is so restricted?

Mr. SESSIONS. I do not think it is a deterrent, and also I point out that these are attorneys representing the people, the States involved, and it is not unusual at all for lawyers to work for less an hour rate for a governmental body than they do for a private individual.

Mr. MCCONNELL. So, further, I ask my friend from Alabama, if I understand this correctly, whatever fees were proposed to be paid above the $5 million cap would then be diverted to the National Institutes of Health for children's health research; is that correct?

Mr. SESSIONS. That is correct. We think there are going to be some real jackpot fees awarded here, under the way this case ended so abruptly. That really exacerbates the unfairness of it. The litigation was filed. Many people thought it would last for years. Then, all of a sudden, there is a settlement entered into with huge sums of money being paid by the tobacco industry, allowing attorneys, under their agreements, to receive huge sums of money for very little work.

Mr. MCCONNELL. So, I say to my friend from Alabama, it seems to me in my 13 years in the Senate, this is one

of the clearest choices I have ever observed laid before the Senate on an amendment.

I ask the Senator from Alabama, if the Senator from Kentucky understands this correctly, if this is a choice between plaintiffs' lawyers on the one hand and children's health research on the other? Does the Senator from Kentucky understand this correctly?

Mr. SESSIONS. The Senator from Kentucky understands completely.

Mr. MCCONNELL. So a Member of the Senate who would vote for the Sessions amendment would be voting, in effect, for children's health care?

Mr. SESSIONS. A vote for the Sessions amendment is a vote to put that extra money in the children's health care.

Mr. MCCONNELL. And a Senator who voted against the Sessions amendment would in effect be saying paying legal fees in excess of $250 an hour, or more than $5 million a State, is a more important priority than children's health care research; is that correct?

Mr. SESSIONS. That is precisely correct, as I see it.

Mr. MCCONNELL. So it seems to me that this is about as clear as it gets. It is about as clear as it gets. The Senator from Alabama is giving the Senate an opportunity to enhance the ability of NIH to discover the cure for the diseases that afflict the children of America, and he is asking the Senate to pay for that through what most people would consider excessive legal fees for representing various State governments around America. Does the Senator from Kentucky have this correct?

Mr. SESSIONS. The Senator from Kentucky has it correct. The fees we are talking about in this case would be the largest fees in the history of the world.

Mr. MCCONNELL. Mr. President, I want to commend the Senator from Alabama. I think this is a very, very important amendment. It certainly relates not only to the debate currently before us, but to the debate yet to be had in the coming months, or maybe even next year, about a global tobacco settlement, if that should be forthcoming.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining under our agreement?

The PRESIDING OFFICER. Two minutes twelve seconds.

Mr. DURBIN. Two minutes twelve seconds I have remaining. And the Senator from Alabama?

The PRESIDING OFFICER. His time has expired.

Mr. DURBIN. Mr. President, let my say in conclusion, I was really captivated by this closing argument. Now the tobacco companies, after all these years of exploiting children, come in with this ''God bless Tiny Tim'' amendment which says if we can just stop these mendacious lawyers, we are going to find money for children's health research. I think the American people have seen through this before and will see through this amendment. There is no money in here for children's health research. The $368.5 billion settlement does not include attorneys' fees. So, any money saved, according to the Senator from Alabama, is not going to be there for us to appropriate to the National Institutes of Health.

No, I think this is window dressing on an amendment which is very clear. It is late in the ball game. The score is very heavy on the side of public health and very heavy against the tobacco companies. So, on the last play, as the quarterback or the State attorney general tries to down the ball, in come the tobacco boys trying to sack him. They are angry. They hate to lose and they hate to lose big, so they come in with this amendment, this amendment to get even with these plaintiff lawyers for having brought these lawsuits to try to limit any State attorney general's authority to regulate a fee.

I agree with others who have spoken. I am not sure this is constitutional, but it is certainly not fair. It is not fair at this moment in time to presume, on every attorney general who brought this lawsuit, that they were, in fact, making a bad bargain for the taxpayers of their State. I think they should be held accountable. My substitute amendment, when this is defeated, will say there will be a public disclosure and none of the attorney's fees will come out of the money for the public health aspects of this settlement. But make no mistake, the Sessions amendment is an amendment which the tobacco companies want. It will put a damper on lawsuits. It will give the tobacco companies the upper hand in the settlement negotiations. And it will completely discount the sincere and good-faith efforts of 40 different States that had the courage to step forward and sue the tobacco companies.

The Senator from Alabama says their decision to go forward was a wrong one; their decision to pay the attorneys was a wrong one. I do not think he should presume to make that decision. It is a decision made by each of them, and we should respect it.

At this point, I move to table the amendment offered by the Senator from Alabama.

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 (Mr. HUTCHINSON). The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] and the Senator from New Mexico [Mr. BINGAMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. AKAKA] would vote ''yea.''

The result was announced, yeas 48, nays 49, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—48

Baucus	Feingold	Lieberman
Biden	Feinstein	Mikulski
Boxer	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Robb
Cochran	Kennedy	Rockefeller
Collins	Kerrey	Roth
Conrad	Kerry	Sarbanes
D'Amato	Kohl	Shelby
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—49

Abraham	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Burns	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
DeWine	Jeffords	Thomas
Domenici	Kempthorne	Thompson
Enzi	Kyl	Thurmond
Faircloth	Lott	Warner
Ford	Lugar	
Frist	Mack	

NOT VOTING—3

Akaka	Bennett	Bingaman

The motion to lay on the table the amendment (No. 1125), as further modified, was rejected.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DURBIN. I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider was just laid on the table by consent.

Mr. LOTT. Mr. President, are we ready to vote on the question?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Sessions amendment be agreed to, and the Senator from Minnesota, Senator WELLSTONE, be recognized to offer a second-degree amendment, and there be 30 minutes for debate to be equally divided.

I further ask that at the conclusion of the debate, the amendment be laid aside and Senator DURBIN be recognized to offer an amendment, which would be in the form of a sense-of-the-Senate resolution, with debate limited to 5 minutes, and following that debate the Senate proceed to vote on or in relationship to the Wellstone amendment to be followed by a vote on or in relation to the Durbin amendment, to be followed immediately by a vote on or in relation to the Durbin amendment No. 1078, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 1125, as modified further, was agreed to

Mr. LOTT. Mr. President, therefore, there will be three back-to-back votes beginning in approximately 35 minutes.

I thank Senator DASCHLE for his cooperation in working out this arrangement. It will allow us to complete this section of consideration on the Labor-HHS bill, and hopefully we can go on then with other amendments that can be agreed to, or accepted, or voted on, and hopefully we can complete this very important appropriations bill before the day is out.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me also thank the majority leader for his cooperation in coming to an agreement, and I thank Senator DURBIN who waited patiently to present this issue and debated it eloquently and forcefully over the last several days. We wanted a way to bring to closure the issue with regard to the deductibility question. And we will now have that opportunity for a final vote within the hour.

So I think we have made great progress in the last 30 minutes. I am pleased now that we are at a point where we can have a final vote.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the amendment of Senator SESSIONS, No. 1125, was agreed to.

The Senator from Minnesota is recognized to offer a second-degree amendment.

Mr. WELLSTONE. Mr. President, I thank the Chair.

AMENDMENT NO. 1126 TO AMENDMENT NO. 1078

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1126 to amendment No. 1078.

At the end of the amendment, add the following: ''Nothing in this Act may be construed to interfere with, or abrogate, any agreement previously entered into between any State and any private attorney or attorneys with respect to litigation involving tobacco.''

The PRESIDING OFFICER. On this amendment, there will be 30 minutes of time equally divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, and colleagues, I shall be brief.

I, too, thank the majority leader, the minority leader, Senator SESSIONS, and Senator DURBIN for their cooperation.

Mr. President, this amendment is very simple and straightforward, and in a way the context for this is Minnesota. But it really affects all of our States.

This amendment just says that nothing in the act may be construed to interfere with, or abrogate, any agreement previously entered into between any State and private attorney with respect to litigation involving tobacco.

For example, in Minnesota the case is in a State court.

What are we doing? I am not a lawyer. But what are we doing here in the U.S. Senate telling Minnesota that its contract with lawyers that are working with the State of Minnesota could be declared null and void? What are we doing saying that to the State of Minnesota, or what are we doing saying that to any State? I thought we had a States rights Congress. This goes just in precisely the opposite direction.

Mr. President, again a little bit of information about Minnesota, so we know what is at stake here. I mean I am out here fighting for my State of Minnesota. But I think this is important to all of our States.

I cannot believe that my colleagues want to be in a position of arguing against the proposition that we should pass an amendment that tells the State it has to abrogate its contract with attorneys that are representing that State in State court. That is absolutely unbelievable.

Mr. President, in Minnesota, against some background, is the first State in the Nation to charge the tobacco industry with consumer fraud and antitrust violations. It is the second State calling for Medicaid reimbursement. It is the only State with a private coplaintiff, Blue Cross and Blue Shield of Minnesota.

The case was launched in August 1994. We have won the majority of pretrial motions, and all appeals, including the one that went to the U.S. Supreme Court. Minnesota secured 30 million pages of documents through discovery. Minnesota has the largest collection ever of tobacco documents in the world, housed in two secured depositories in Minneapolis and London.

The Minnesota case is rated by the top tobacco stock analysts of Burnstein Research as the ''biggest threat to the industry.''

I want to talk about what that means—''biggest threat to the industry.''

We go to trial in January. This trial stands to be important not just for Minnesota but for the whole Nation—not just in terms of financial compensation for my State, for the people in my State, but the discovery, the information that will come to light about past abuses, about what the tobacco industry has known, about marketing techniques, and all of the rest.

This amendment, which is an amendment albeit for my State of Minnesota but really applies to every single State, just says to colleagues that in whatever action we take let us be clear that nothing that we are doing here can be construed to interfere with or abrogate any agreement previously entered into between any State and private attorney or attorneys with respect to litigation involving tobacco.

We have a case in Minnesota. It is in State court. What are we doing in the Congress telling Minnesota that it will have to abrogate its contract with attorneys? The arrangement is made with attorneys so those attorneys can represent the public health community, so those attorneys can represent the State of Minnesota and people in Minnesota, so those attorneys can represent all of us who would like to see these documents and this information come to light. I do not think this is constitutional and I certainly think it is inappropriate.

Mr. GREGG. Will the Senator yield?

Mr. WELLSTONE. I yield to my colleague from Illinois.

Mr. DURBIN. If the Senator will yield, I support the Wellstone amendment. Make no mistake, what Senator Wellstone is proposing before this Senate is the other side of the argument of the Senator from Alabama. The Senator from Alabama came before us and basically said, even though we are not talking about any Federal dollars here, even though we are not talking about any action in any Federal court, we as a Federal legislature will dictate to the State of Minnesota, the State of Illinois, I suppose even the State of Alabama that they cannot enter into an agreement with any attorneys to proceed with tobacco litigation unless it meets the Federal guidelines proposed by the Senator from Alabama.

Well, I am sorry, but I do not believe that that is our responsibility. I think it goes beyond our constitutional responsibility. I think what the Senator from Minnesota has offered is reasonable. How can we ever presume to judge what are the appropriate attorneys' fees and arrangements in a State like Minnesota where Attorney General Humphrey has probably gone to greater lengths than any attorney general in the United States bringing these documents together, filing a creative lawsuit, being assertive, making certain that the people of Minnesota are represented. For any Senator from Illinois, Alabama or anywhere to stand up and say, I am sorry, Minnesota, this is not yours to decide, this is to be decided by the Federal Congress, even though there is no Federal money, no Federal court. We are dealing in State courts, we are dealing with tobacco companies making payments. I think it is entirely presumptuous for us to go along with the premise that we in the

Senate will decide attorneys' fees case by case and State by State.

I stand in support of the Senator from Minnesota.

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

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds.

Mr. WELLSTONE. I thank my colleague. I reserve the remainder of my time.

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

Mr. WELLSTONE. I would be pleased to yield on the Senator's time.

Mr. SESSIONS. All right. Just briefly, what is the percentage contingent fee that has been given to the plaintiff attorneys who are representing the State of Minnesota?

Mr. WELLSTONE. My understanding is 25 percent.

Mr. SESSIONS. I thank the Senator.

Mr. President, I think that points out the problem we are dealing with here. This is the first time, in any inquiry that I have made in a number of different instances, that I have gotten a figure on the detail of the fee agreements that have been entered into in these kinds of cases.

Twenty-five percent. That sounds fine, but the truth of the matter is the tobacco company has just pleaded guilty. They put $300 billion, $400 billion, the Senator from Kentucky says $500-plus billion on the table. Now the lawyers who were saying they were going to trial and spent these huge sums of money all over America are not going to trial. They are just collecting the money, and they have agreements like this.

Now, I would assume, with regard to Minnesota, that they are an average size State and they probably would be entitled to something like a $10 billion settlement of this matter. If that is true, then this law firm would be entitled to $2 billion—$2 billion, not $2 million but $2 billion. That would be probably as of this date the largest legal fee ever paid in the history of this country, largest legal fee probably ever paid in the history of the world.

So I submit that is exactly what has happened. Many States, I understand, because less than a year ago I was an attorney general, have entered into contracts of 25 percent. I know of another State which, I understand, has entered into a settlement for 20 percent of the recovery. These cases are not even going to trial if this body acts. If this body does not act and Minnesota goes on and litigates its own case, then Minnesota is not covered by our agreement. So only if there is a congressional action that takes over these cases, should we question attorneys' fees. Otherwise that issue is between the attorneys general and the States.

But the plaintiff lawyers, the very same ones who are now complaining about their fees through Members of this body, these very same plaintiff attorneys are the ones asking this Congress to review this settlement and to take appropriate action that we think is just and fair.

So, first of all, I want to point out that we are talking about incredibly huge attorneys' fees, not just large. These are incredibly huge. Probably as much as, at 20 percent, $40, $50, $60 billion in attorneys' fees. Publicly the figure has been floated in the press a number of times at $14 billion. If the percentages are the same in most States, 20 percent, the figures will be much higher than $14 billion.

So the tobacco lawyers who have entered into this private agreement with these plaintiff attorneys to pay them their fee, all these lawyers are now coming to us and saying just ratify this matter but don't ask us about how much they are paying; don't question these fees because we had a contract. We had a contract.

They can't prevail in their cases in an effective way without the legislation of this Congress. So I think it is right for us to question it.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. SESSIONS. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, we are hearing now States rights, and I have tried to be on that side for some 23 years now. But the attorneys general are here asking us to approve their pact, to pass a Federal law and to have so-called protocols or side agreements that we would wind into the package. So it appears to me that it is no longer a States rights agreement. In Minnesota it may be somewhat different. But now they have come to the Congress and said here is our deal; you approve it and don't ask any questions.

Well, back home we call that a mailbox job. You get a job and go out to the mailbox the first of each month and get your check. Am I correct it has reached a higher level than it would be under normal circumstances since we are asked to make the judgment? We are attempting to make the judgment now, and in making that judgment we say we are trampling on States rights. You can't have it both ways. Am I correct?

Mr. SESSIONS. The Senator from Kentucky is precisely correct. These parties, both sides—do not forget, the tobacco industry is in here, too, asking us to approve it, and the tobacco industry also does not want to talk about how much they are paying these plaintiffs' lawyers. So they have asked us to review it. In effect, they have suggested in testimony before my Committee on the Judiciary that we approve it and analyze it fairly and justly, and that is our responsibility.

Mr. FORD. Mr. President, will the Senator yield for one additional question?

Mr. SESSIONS. Certainly.

Mr. FORD. The Senator has been an attorney general. He is from the legal profession and I am not. Is it kind of unusual for a side agreement to be made by a defendant with a plaintiff lawyer?

Mr. SESSIONS. I say the distinguished Senator from Kentucky raises a very important and troubling point. It is, in my opinion, at least improper if not unethical for an attorney representing a party to enter into private negotiations with the person he is suing to establish how much his fee ought to be. You see, there is a conflict there.

Mr. FORD. I thank my colleague.

Mr. SESSIONS. All of a sudden it becomes important to that lawyer that the settlement be approved so he can get his fee. And if the person he sues, the tobacco industry, says: ''You are being too hard on this issue; give up on this issue.'' ''No, I won't.'' ''Well, we will sweeten your attorney's fee if you will give up on it.'' That puts them in conflict. I am not saying that has happened. But I am saying good attorneys should not allow themselves to be put in a position of interest.

So we are talking about, if it is 20 percent of a $600 billion settlement, $100 billion in attorney's fees. We fought for weeks on this floor to raise from $16 to $20 billion the amount of money spent for health care for children. We are talking about $100 billion in this bill in attorney's fees, and in many cases in many States very little legal work has been done on these cases. It is important and necessary for us to act on this matter, and this amendment as presented by the Senator from Minnesota would, in effect, undermine and abrogate the true effect of the amendment that I have offered, so I strongly oppose it.

I will yield the floor and reserve my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, it is certainly not true that very little legal work has been done in Minnesota. The tobacco industry has already spent $125 million defending the Minnesota case alone—$125 million.

Mr. President, it takes a whole lot of resources to uncover a massive, decades-old coverup of fraud and conspiracy. The Sessions amendment that my amendment speaks to is an attempt to shut down the discovery process, to perpetuate a coverup and to keep secret documents concealed for a long time. The effect of this amendment, unless the second-degree amendment passes, is to punish States like Minnesota and Texas and Massachusetts and Connecticut and Washington and others that have invested heavily in exposing the coverup and bringing the industry to justice.

I do not know all the specifics of the arrangement between the State of Minnesota or Connectict or Massachusetts

or any other State and attorneys that are working for the States and for, I might add, the public health community. Without this work, we would not have been able to bring these documents forward. There will not be the discovery. There will not be the information. There will not be the information to people in this country about a whole pattern of abuse.

But what I do know, one more time, colleagues, is this is in State court. This is an agreement between my State of Minnesota and attorneys. What in the world are we doing interfering and essentially saying to the State of Minnesota you have to abrogate your contract with your attorneys? Whatever you have decided upon, whatever you do in State court, State court is null and void. My State is not a party to this global agreement here in Washington. Attorney General Humphrey has made it very clear that we are going forward. This is an agreement in a State. This is an agreement between a State and attorneys. This is an effort to deal with a very long, unfortunately protracted, period of time of coverup by an industry. This is an effort that takes on a tobacco industry that spent $125 million on this case alone with lawyers defending it. And you are going to vote against an amendment that says ''nothing in this act may be construed to interfere with or abrogate any agreement previously entered into between any State and private attorney or attorneys with respect to litigation involving tobacco''?

I do not know how colleagues can vote against that proposition. Have whatever views you want, but we do not have any business telling the State of Minnesota that in its best judgment and its best effort, and, indeed, what is being called ''the biggest threat to the industry,'' it has no right to enter into an arrangement with lawyers and to represent the people in Minnesota and represent the people in the country. And we in the U.S. Senate are going to try to vote against the proposition where we go on record saying we are certainly not going to tell a State it has to tear up its contract?

Minnesota gets to decide that. Massachusetts gets to decide that. Connecticut gets to decide that. Illinois gets to decide that. Kansas gets to decide that. The U.S. Senate doesn't decide that.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator yields the remainder of his time. The Senator from Alabama has 6 minutes and 50 seconds remaining.

Mr. SESSIONS. Mr. President, first of all, if Minnesota proceeds to litigate its case and gets a judgment, then Minnesota would not be covered by this act. And I would be willing to consider Minnesota's case, because it is somewhat different than most. Perhaps it is more unusual than any of the others. However, I would say this to the Senator from Minnesota, his bill covers all States. It doesn't just cover Minnesota. It doesn't just cover unusual fact situations. It says we cannot deal with contracts in any of the States.

I have to oppose his amendment because it applies to every State including States bigger than Minnesota that filed lawsuits just a few months ago. Attorneys have done almost no work on these cases. Yet they would stand to receive billions of dollars in attorney's fees without this legislation.

So I would say, first of all, I would be willing to discuss the unique problems of Minnesota. But I cannot, and must resist with every bit of strength that I have this amendment because it applies throughout the Nation and it will prevent this body from being able to stop great windfalls. And that money doesn't need to go to attorneys. It needs to go for the purpose of this lawsuit, which is health care.

Mr. GREGG. Will the Senator yield for a question?

Mr. SESSIONS. I will yield.

Mr. GREGG. As I understand your underlying amendment, which has now been adopted, in the case where there is a settlement and the settlement has to come to the Congress to be confirmed, your amendment applies. But, in the case of Minnesota, where there is litigation going forward, and where there is a trial going forward and the matter will be decided by the courts through the litigation process rather than through a settlement confirmed by the Congress, your amendment would not apply.

Mr. SESSIONS. The Senator is correct.

Mr. GREGG. So basically the amendment of the Senator from Minnesota doesn't apply to the Minnesota situation because the Minnesota situation is outside the underlying amendment. The amendment of the Senator from Minnesota applies to all the other States, except Minnesota, that are trying to reach an agreement through negotiation which has to be confirmed by this Congress.

Mr. SESSIONS. That is correct. To my understanding, Minnesota is the only State that has objected to the global settlement. They are going to have to be treated separately in any case.

Mr. GREGG. If I might ask a further question, it appears the Senator from Minnesota has launched an arrow that has missed its mark?

Mr. SESSIONS. I think that is fair to say.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to reclaim what time I have left.

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

The Senator has 2 minutes and 20 seconds.

Mr. SESSIONS. Mr. President, I yield the floor and reserve my time.

Mr. WELLSTONE. Mr. President, I might ask my colleague from Illinois to comment. I would like to look at the amendment again, the Sessions amendment, but my understanding from reading that amendment is that if there is a global settlement, it applies to all the States. Otherwise, I would have much less difficulty with his amendment.

Mr. DURBIN. I thank the Senator for yielding. I might say at this point neither the Senator from Alabama, the Senator from Illinois or the Senator from Minnesota knows how this story is going to end. We don't know what this global settlement will say and how it affects the agreements heretofore entered into by other States, whether it's Minnesota, Mississippi, or Florida. I think it is presumptuous of us today to suggest we are going to set the guidelines.

The Senator from Alabama stood up repeatedly and said, ''I don't know what these legal agreements are. They could be awful.'' If the Senator doesn't know what they are, then how can he suggest they are awful? I don't know that some of those agreements might say if a case is settled either by global settlement or otherwise, the attorney's fees will be dramatically reduced. The Senator doesn't know, but he went forward with his amendment.

The Senator from Minnesota has hit the nail on the head. These attorneys general who had the courage to come forward in the lawsuits but didn't have the resources to prosecute them, entered into agreements to bring in other attorneys to help. They fought a big battle in Minnesota; $125 million spent by the tobacco companies, yet they fought on valiantly and they are going to bring this case on to trial in January. And for us to close the door today and say it's over, no more agreements in terms of attorney's fees—I think it's presumptuous. It's exactly what the tobacco companies are praying for.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has 40 seconds remaining.

Mr. WELLSTONE. Mr. President, I think that is precisely the problem. That is what I am speaking to. I don't think the Senator from Alabama can argue otherwise, in terms of what his amendment does.

One more time I will say to colleagues, given this ambiguity, we can argue about it over and over again. This amendment is not ambiguous. It just simply says that nothing that we do may be construed to interfere with or abrogate any agreement previously entered into.

What are we doing, telling the State of Minnesota, which is a State court, whatever you had to do to get lawyers to represent your State and the people of Minnesota and the people in the country, we are now going to pass something that will tear that agreement up—we have no business doing that. I don't think it's constitutional and I certainly don't think it's right. So I'm out here fighting for Minnesota, but for other States as well.

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

Mr. SESSIONS. How much time have we have?

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Alabama has 2 minutes and 32 seconds remaining.

Mr. SESSIONS. Mr. President, precisely on the question he raised, this amendment that I have presented, that has been passed by a large vote, without objection that I heard, maybe a few—says that it would only include States involved in the national tobacco settlement agreement.

My view is, if Minnesota wants to opt out of this deal, maybe they ought to be treated separately. But for the 49 other States who are in it, who have asked for this review and legislation by Congress, I think it is absolutely critical that we deal with attorney's fees. I repeat, I have sought on multiple occasions, and other Senators have, to find out what the agreements are that they have with these attorneys. They are hiding those agreements. They have been very secret about it. It's a secret agreement between plaintiffs' attorneys representing the States and the tobacco industry. And only today has the Senator from Minnesota indicated that they have a 20-percent contingency fee. That means that whatever recovery Minnesota has of all these billions that we are looking for and hope that we can recover, of all those billions, 20 percent of it will go to attorneys.

They talk about a lot of records and documents. I have been involved in litigation. People always talk about records. But you have paralegals, you have clerks, you have statisticians to go through those documents. They don't have to be read by every attorney involved in the case.

So I would say what really exacerbates this problem and makes it so critical is the fact that the tobacco companies, early on, agreed to this settlement. Therefore, a lot of attorneys general entered into contracts, maybe thinking it would be prolonged litigation and these fees might be justified, but now they find out that the money is already on the table and we have to work out an agreement to collect it. Attorneys do not have to justify these huge billion-dollar fees we are hearing talked about.

These are reasonable fees, $250 an hour, $5 million per State in attorney's fees. That is reasonable and fair. I think generous, in fact.

I believe that this body needs to send a message, for those people who think they can execute secret side agreements at the expense of the people they are supposed to be representing to divert $14 billion, $40 billion, $60 billion, $100 billion from health care for children and families and tobacco victims—taking that money and putting it in their pockets is not a good way for this Government to be run.

I feel very strongly about this. Unfortunately, the Senator from Minnesota chose not to limit his amendment to the situation in Minnesota but to apply it throughout the Nation, which in effect preserves the prerogative of the plaintiff lawyers to make themselves rich off of this settlement. Therefore I must oppose it.

Mr. WELLSTONE. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. Under the agreement, the Wellstone amendment will be set aside. The Senator from Illinois is recognized for purpose of introducing an amendment. The Senator from Illinois is recognized for 5 minutes.

AMENDMENT NO. 1127 TO AMENDMENT NO. 1078

Mr. DURBIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1127 to amendment No. 1078.

At the end of the amendment, insert the following:

''SEC. . SENSE OF THE SENATE.—It is the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health.''

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask the time, the 5 minutes, be divided evenly between those in favor and those in opposition.

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

Mr. DURBIN. Mr. President, this amendment gets to the heart of the question. What are these agreements? Are they generous? Are they reasonable? Each attorney general, under my agreement, will be forced to put it on the table in front of the people and say, ''Here is what I agreed to. If I agreed to pay 25 percent of the settlement then I have to explain to the taxpayers of the State why that was a sensible thing to do at the time.'' If it is a reasonable agreement, so be it. If not, the public official will be held accountable. And none of the money paid in attorney's fees will come out of the amount to be spent for public health purposes. I think this gets to the heart of it.

The Senator from Alabama, in his amendment, says $5 million a State is more than enough to prosecute the tobacco companies; $5 million a State. It sounds like a princely sum until we hear the Senator from Minnesota stand up and tell us the tobacco companies spent $125 million in that State to defend themselves, 25 times as much. All of a sudden you step back and say maybe $5 million doesn't give you the resources for a fair fight.

The Senator from Alabama has repeatedly said he doesn't know what these agreements consist of in other States. I think that is the reason why his amendment is flawed.

Also, I think we should know in a State like Florida, which recently entered into an agreement, the question of attorney's fees was necessarily set aside. It is not part of the agreement that was announced. It is another amount to be paid by the tobacco companies, separate and apart from what is going to be paid to the taxpayers of Florida.

Finally, let me say in virtually every one of these cases, in every State, not only will the court of public opinion decide whether attorney's fees are fair, but the courts will decide. Ultimately they have to rule on any order of settlement and any kind of agreement which might, in fact, bring it into a lawsuit. So they will have to ultimately rule on these attorney's fees.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just to correct the RECORD, the $5 million the amendment of the Senator from Alabama presented is $5 million on top of ordinary and customary expenses. So if it cost $20 million or $100 million in the area of expenses to bring this lawsuit, that can be added to the $5 million base cost.

My opposition—actually I probably will vote for it—but my position on the Durbin amendment is this. In concept, it is an excellent idea. But this is a sense of the Senate. A sense of the Senate means nothing. If the Senator from Illinois really means this, then he should have made it a matter of law. That is what it should be, a matter of law. We should be telling the tobacco companies you have to disclose. This sense of the Senate is a political document. It will give a lot of people in this body comfort politically, but it is not going to do one darned thing to get to the bottom of the question, which is how much are we going to end up paying to attorneys who are basically working with tobacco companies in obtaining their payment? How much is going to get paid to them as part of this settlement?

The gravamen of this issue—to use the one legal term I remember from my law school days—is the point Senator SESSIONS made. When you have attorneys working against tobacco companies, and the tobacco company comes in and says, ''Well, here's another $1 billion in settlement,'' how long do they work against them? How aggressive are they in opposing them?

If there is $40 billion of attorney's fees going out the door here, which is what is represented in some of the periodicals that have discussed this issue, how can you say that there is any sort of independence on the part of the plaintiff's counsel in the cases? The fact is, there are very few attorneys I know who, if somebody comes forward and says, ''Let's make this agreement,'' and they say, ''No, I can't agree

to that,'' and then the person who says let's make this agreement says, ''Well, I'll give you another billion dollars in fees''—the attorneys are going to say that's pretty hard to turn down.

Until we know what these attorneys are getting paid, we can't answer a lot of these questions. This Durbin amendment, as well-intentioned as it may be, accomplishes nothing in obtaining that knowledge. It is a sense of the Senate. We all know where those amendments go. This should be a matter of law.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired. The Senator from Illinois has 40 seconds remaining.

Mr. DURBIN. Thank you. Mr. President, let me say at the outset, we don't have a settlement agreement. We are not talking about legislating one today. There is a good question, whatever we add to this appropriations bill, whether it is going to have an ultimate impact on that agreement.

Let me also say, on the question of expenses, I think the Senator from New Hampshire would acknowledge expenses are specified costs of a lawsuit and don't get to attorney's fees. So, I would quarrel with him on that.

Let me end by saying, there is on old poem:

While I was walking up the stair, I met a man who wasn't there.
I saw that man again today.
I wish that man would go away.

The man that many of the people on this floor would wish to go away is a $50 billion tax credit. That is the underlying issue, and that is the important part of this debate.

AMENDMENT NO. 1126

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator from Illinois has expired. The question is on agreeing to the Wellstone amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Wellstone amendment.

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. Mr. President, point of order. Would you read back the unanimous-consent agreement?

The PRESIDING OFFICER. The clerk will report the unanimous-consent agreement.

The assistant legislative clerk read as follows:

That the Sessions amendment be agreed to and the Senator from Minnesota [Mr. WELLSTONE], be recognized to offer a second-degree amendment and there be 30 minutes for debate, to be equally divided.

Further, that at the conclusion of the debate, the amendment be laid aside and the Senator from Illinois [Mr. DURBIN] be recognized to offer an amendment with debate limited to 5 minutes. Following that debate, the Senate proceed to vote on or in relation to the Wellstone amendment, to be followed by a vote on or in relation to the Durbin amendment, to be followed immediately by a vote on the Durbin amendment No. 1078, as amended.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Wellstone amendment No. 1126. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—48

Abraham	Frist	Mack
Allard	Gramm	McCain
Ashcroft	Grams	McConnell
Bond	Grassley	Murkowski
Brownback	Gregg	Nickles
Burns	Hagel	Roberts
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Coats	Hutchinson	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Specter
DeWine	Jeffords	Stevens
Domenici	Kempthorne	Thomas
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Ford	Lugar	Warner

NAYS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Cleland	Johnson	Rockefeller
Cochran	Kennedy	Roth
Collins	Kerrey	Sarbanes
Conrad	Kerry	Shelby
D'Amato	Kohl	Snowe
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—2

Bennett	Bingaman

The motion to lay on the table the amendment (No. 1126) was rejected.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, between the second and third votes, as a matter of management, it would be appreciated if the following Senators could be on the floor so we can sequence the balance of the amendments. We are fairly close to seeing light at the end of the tunnel. So if the following Senators would be good enough to stay on the floor for a brief scheduling discussion at that time it would be appreciated by the managers: Senator MURRAY, Senator WELLSTONE, Senator DASCHLE, and Senator COVERDELL. If those Senators would be on the floor, it would be appreciated.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment, which is the Wellstone amendment.

Mr. SPECTER. Mr. President, parliamentary inquiry. Are the yeas and nays ordered on the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

The question is on agreeing to amendment No. 1126.

The amendment (No. 1126) was agreed to.

The PRESIDING OFFICER. Is there a motion to reconsider?

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1127

The PRESIDING OFFICER. The question now is on agreeing to Durbin amendment No. 1127.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1127. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—97

Abraham	Burns	Daschle
Akaka	Byrd	DeWine
Allard	Campbell	Dodd
Ashcroft	Chafee	Domenici
Baucus	Cleland	Dorgan
Biden	Coats	Durbin
Bond	Cochran	Enzi
Boxer	Collins	Feingold
Breaux	Conrad	Feinstein
Brownback	Coverdell	Ford
Bryan	Craig	Frist
Bumpers	D'Amato	Glenn

Gorton	Kohl	Roberts
Graham	Kyl	Rockefeller
Gramm	Landrieu	Roth
Grams	Lautenberg	Santorum
Grassley	Leahy	Sarbanes
Gregg	Levin	Sessions
Hagel	Lieberman	Shelby
Harkin	Lott	Smith (NH)
Hatch	Lugar	Smith (OR)
Helms	Mack	Snowe
Hollings	McCain	Specter
Hutchinson	McConnell	Stevens
Hutchison	Mikulski	Thomas
Inhofe	Moseley-Braun	Thompson
Inouye	Moynihan	Thurmond
Jeffords	Murkowski	Torricelli
Johnson	Murray	Warner
Kempthorne	Nickles	Wellstone
Kennedy	Reed	Wyden
Kerrey	Reid	
Kerry	Robb	

NAYS—1

Faircloth

NOT VOTING—2

Bennett Bingaman

The amendment (No. 1127) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1078, AS AMENDED

The PRESIDING OFFICER (Mr. SANTORUM). The question is on the Durbin amendment, as amended.

Mr. LAUTENBERG. Mr. President, I rise today in strong support of the Durbin-Collins amendment to repeal Big Tobacco's rebate in the tax reconciliation bill. I will speak about this critical amendment in a minute, but first I would like to talk about an issue that was raised on the floor last night.

That issue is whether Congress should subpoena hidden tobacco documents.

Mr. President, we need to know the truth about nicotine and tobacco. That is why I, along with Senator LEAHY and many of our colleagues, have asked the chairmen of the various committees with jurisdiction over portions of the settlement, to subpoena critical documents that the tobacco industry has conspired to hide from the American people.

In debate on the floor yesterday, the distinguished chairman of the Judiciary Committee raised the issue of whether to subpoena these documents. The senior Senator from Utah has long been dedicated to saving our children from the dangers of tobacco. He has been outspoken about the critical need to reduce teen smoking rates.

Yet, the chairman questioned the necessity of Congress subpoenaing these documents which have been kept from the public because they were falsely stamped attorney-client privilege. The chairman raised some valid concerns, and I would like to respond.

Mr. President, we are at a critical juncture in the war between the tobacco companies and the public health. The tobacco industry wants the American people to disarm. They want to strip Americans of their right to seek punitive damages for harm caused by the tobacco industry's deceitful practices. The industry wants Congress to grant it unprecedented protections from legal liability.

In return, the American people are promised a reform of our public health laws that will protect loved ones in the future from the dangers of tobacco addiction and illness. It would be up to Congress to write these laws. That is a heavy responsibility.

In order to properly execute this responsibility, we owe it to the American people to collect the most complete information about the effects of tobacco and nicotine on human health. Through our subpoena power, we have the ability to collect this information. We need information on whether a safer cigarette could be manufactured, or if we can produce a less addicting form of nicotine.

Mr. President, that information is in the hands of the tobacco industry, and they have consistently hidden it from the American people for decades. If we are to enter into a legislative settlement with this industry, then it must come clean with Congress and the American people. Since it has not done so yet, we should start issuing subpoenas for the truth.

Mr. President, some have suggested that the document disclosure provisions in the proposed settlement are sufficient. However, I strongly disagree. The proposed settlement would merely set up a clearinghouse for documents already produced in court cases. In other words: it discloses nothing new.

Mr. President, we have learned more details in recent weeks about how the tobacco companies routinely funneled documents through their lawyers in order to fraudulently mark them as attorney-client privileged. In fact, many of these documents relate to health concerns and were simply given to the lawyers to cloak them in a false shroud of the attorney-client privilege.

These are the most critical documents. They hold the keys to saving millions of lives.

Congress has the power to subpoena and examine these documents before we enact a legislative settlement. We need that information to craft effective public health policy. The settlement would allow the industry to delay court review of these documents for years after a settlement is enacted.

Now, review of these documents might be time consuming. The distinguished chairman of the Judiciary Committee, in his floor statement yesterday, noted that over 33 million pages have been collected in the State of Minnesota's suit against the tobacco industry. Our estimate is that we'll find the information we need in at most 1½ million pages.

The Minnesota attorney general, in preparation for his trial against Big Tobacco, has bound, numbered and indexed around 500,000 pages into a volume called the Minnesota Select Set. This set of documents contains critical information we need in order to draft appropriate public health legislation. We should subpoena this set.

In addition, the Minnesota court hearing the case has collected around 1 million pages of material that the industry has claimed is privileged. However, we know that the Industry has a history of falsely claiming this privilege in order to hide critical health information.

It is unclear how many pages are in the privileged set, but it has been estimated to be about 1 million pages. Both of these sets are being held in warehouses in Minneapolis and London under the control of a Minnesota court.

Mr. President, I would like to clarify that my subpoena request is for, at most, about 1½ million pages. Although this is a lot of material, one need only watch another child light up a cigarette to realize it is well worth the time.

Let me put this into perspective: The Governmental Affairs Committee has subpoenaed over 10 million pages of documents from the AFL–CIO alone in its campaign finance investigation.

This subpoena request for tobacco industry documents is about the lives of American children. Isn't that worth the time needed to carefully review these documents? Why rush into a settlement in 50 days with an industry that has lied to America for 50 years?

Therefore, I ask my colleagues to support the request of Senator LEAHY and myself to the chairmen of relevant Senate committees to subpoena these hidden tobacco industry documents.

I hope that this discussion clarified this issue for my colleagues.

Now, Mr. President, I would like to address the Durbin-Collins amendment to repeal the provision in the tax reconciliation bill that granted a $50 billion giveaway to the tobacco industry. This clause should never have been snuck into that bill and it is time to remove it.

This provision of the recently enacted tax reconciliation bill would divert $50 billion away from the public health and into the pockets of Big Tobacco. If comprehensive tobacco legislation is eventually enacted, Big Tobacco will write 50 billion off the top of their payment obligations.

This shortfall could mean billions of dollars in programs to keep kids away from cigarettes will be lost. It could mean billions of dollars in smoking cessation programs will not be paid for.

In any settlement, the tobacco industry must pay its fair share. If the industry gets a $50 billion break in the settlement, that cost will have to come out of taxpayer's pockets. That is unacceptable.

The tobacco companies shouldn't get a rebate. They're not a car dealership—they're a drug dealership.

There are those who say that this rebate was part of the proposed settlement deal. Well, that's news to the attorneys general who negotiated it. They never signed off on such an arrangement.

Mr. President, this is another example of why we can't trust this industry. After claiming to act in good faith, they scheme behind closed doors to undermine the American people. As we embark on public health legislation for the next century, let's work to keep this process out in the open and get rid of the smokey back room deals on tobacco.

Mr. President, I therefore urge my colleagues to support the Durbin-Collins Amendment and join us in repealing the $50 billion credit for Big Tobacco. The last thing the tobacco industry is entitled to is a rebate.

Mr. FAIRCLOTH. Mr. President, I rise to say a few words about this amendment, which will probably sail through the Senate. I spoke to my colleagues, and I know that we don't have the votes now, but we will revisit this issue in the global settlement.

It is quite easy to come down to the Senate floor and rail about the tobacco companies. Well, Mr. President, let me say something about those tobacco companies. Mr. President, those companies employ more than 20,000 people in North Carolina, and those jobs are in jeopardy if we tax the tobacco companies into bankruptcy.

These are hard-working men and women punching the timeclock every day. They are raising families on these wages, paying mortgages, just trying to get by. These jobs represent a payroll of more than $1 billion. They are good jobs, well-paying jobs, and I will not be part of this attack on their livelihoods.

This is just another attack on tobacco carefully staged for the television cameras. This is a personal attack on tobacco farmers. The companies are the front this time. Just a subterfuge for yet another attack on the farmers and another potential source of revenues. In fact, they're ready to spend money we don't even have, and I think that this is the height of irresponsibility.

I hope that my colleagues will resist the lure of easy political points.

Mr. MOYNIHAN. Mr. President, I will support the amendment of the Senator from Illinois to repeal section 1604(f)(3) of the Taxpayer Relief Act of 1997, which purports to credit the increase in tobacco excise taxes against any federally legislated tobacco settlement agreement. While I have opposed other amendments that would have opened up the balanced budget agreement signed into law on August 5, 1997, a mere 5 legislative days ago, there are good reasons to support the amendment offered by Senator DURBIN. Unlike the other provisions of the reconciliation legislation that have been the subject of amendments, the provision at issue in the Durbin amendment is an orphan. No one is willing publicly to take credit for having written it and securing its inclusion in the tax bill—which was done at the last minute, without analysis or debate by the Members of either the House or Senate.

On July 31, 1997, during the debate on the conference report to the Taxpayer Relief Act of 1997, the Senator from Illinois sought to raise a point of order against the provision he now seeks to repeal. I voted, with 77 other Senators to waive all points of order against the conference report. I said at the time that the provision was meaningless and had no binding effect. I continue to hold this view, as the tobacco settlement is far from completed, and it is still subject to approval by the President and Congress. Yesterday's New York Times reported that President Clinton will not offer an opinion on the proposed tobacco deal until next week at the earliest, and that the White House will not endorse a settlement without significant changes. In fact, it is beginning to appear unlikely that Congress will complete action on the matter before adjourning for the year. In addition to any changes that the administration proposes, the Congress will want to exercise its independent judgment on the proposed agreement. The June 20, 1997, agreement does not contain all of the details necessary to effectuate a settlement. There are a number of areas where the agreement provides no guidance, the most striking of which is the lack of a mechanism to govern the payment and distribution of the $368.5 billion by the cigarette manufacturers.

A White House spokesman has indicated that President Clinton supports this amendment, and if Congress does not act to rescind this credit, the President will insist that $50 billion be added to any final settlement amount.

And so, although the provision has no real impact on legislation that this Senate may take up at some future date, I agree with Senator DURBIN that the mere existence of the provision, and the process by which it found its way into the statute, is troubling. Let us strike it and eliminate any concern that the tobacco companies are getting away with something.

Mr. SPECTER. Mr. President, if I might have the attention of all Senators to discuss sequencing. It might be possible, realistically, to finish the bill this evening. The next amendment, following the vote, will be the Murray amendment, where there is 1 hour equally divided. But it is my anticipation that Senator MURRAY will use her 30 minutes, but there will not be a reply. The next amendment will be the Wellstone amendment, 40 minutes equally divided. Here again, I think that will be disposed of in less than 40 minutes. Then we have the Daschle amendment, which is 20 minutes equally divided, and then the Coverdell amendment, 10 minutes equally divided.

It is the manager's intention to have votes on these four amendments later this afternoon, but it is impossible to say when because of the impossibility of determining the amount of time. But the votes will occur as soon as the arguments are finished on those four amendments. We will then go to the Gorton amendment, where we don't have a time agreement. But the Senator from Washington says he may be able to enter into one shortly after that discussion starts. That would leave us with only two amendments outstanding on school testing, where the parties are reasonably close to an agreement on the Teamsters issue, which we will, I think, be able to resolve. But that is yet uncertain. That will be the sequence.

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment, as amended.

Mr. DURBIN. 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 question is on agreeing to the Durbin amendment, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—95

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Feingold	Lott	

NAYS—3

Faircloth	Helms	McConnell

NOT VOTING—2

Bennett	Bingaman

So the amendment (No. 1078), as amended, was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

AMENDMENT NO. 1118

Mrs. MURRAY. Mr. President, I ask unanimous consent to call up my amendment No. 1118.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1118 is the pending business.

Mrs. MURRAY. Mr. President, I ask unanimous consent that no second-degree amendments be in order.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LANDRIEU be added as a cosponsor to this amendment.

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

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, this amendment that is being offered today by myself, Senator WELLSTONE, and Senator LANDRIEU is not unfamiliar to this body. In fact, the U.S. Senate has voted three times on the amendment that is now before us. Three times we have passed this amendment unanimously—once in the welfare bill, once in the budget bill, and once in the budget reconciliation bill. All three times when this amendment was brought before this body, not one Senator spoke against it. It was voted on and passed and sent to conference committee. Without one single voice of opposition and without one single vote of opposition, this amendment was stripped in the conference. Perhaps it is no surprise when you hear the subject of this amendment. It is regarding domestic violence.

Too often women in our country when it is in the light of day have everyone behind them and support them when it comes to domestic abuse. But these women know where abuse occurs. It occurs behind closed doors when no one is watching.

This Senate should not approve of that kind of action. This amendment is one that is absolutely vital to the health and welfare of women, their families, and the communities that surround them. The policemen are too often called to situations where a domestic violence incident is occurring, and their lives are then put on the line.

The amendment that we are offering today does a simple thing. It allows a temporary waiver of the work requirement for a victim of domestic violence in order for them to take care of their medical needs, to change their Social Security number, to take care to make sure that their children are in a safe place and that their family is secure before they are required to be at work. We know that, if a woman is being abused and she is required to be at work, her abuser will often go there to find her or put up barriers so she can't be there. She knows that her life is insecure if her abuser can find her at a workplace where she has to give her Social Security number, where she has to let them know where she is going to be. Where her children are in day care, she can't take care of them to make sure they are safe and secure.

That is why this humane and compassionate Senate three times has passed this amendment. It is a temporary waiver. We are not asking for a permanent waiver of the work requirements. In fact, we want women who are victims of domestic violence to be at work. Being economically able to take care of themselves is the security they need in order to leave a domestic violence situation. But we want to make sure that they aren't at work with bruises and don't show up at work and are afraid to show up at work with bruises. We want to be sure that their children are in a safe place, if they are victims of domestic violence, before we require them to be at work. We want them to be able to change their Social Security number so they can't be followed before we require them to be at work. Too often these things take months. Changing your Social Security number can often take months.

We in this Congress don't want to put these women in abusive situations inadvertently. This amendment simply is going to remove a barrier for women so that they can get out of the domestic violence situation. When a woman decides to get out of a situation, she has to know, ''Can I have the money? Can I have the ability to take care of my children, to take care of myself?''

Welfare allows her the ability to get out of that situation, to get herself back on her feet, and to get into the work force, which is exactly what she wants to do so she can be economically secure.

The way the welfare bill is written today, it does not allow her to do that.

When we passed this temporary waiver, we said to these women that we would give to States the ability to screen for domestic violence so that they will be allowed to help these women get on their feet and get back into the work force. We did that intelligently here in the Senate. In fact, it passed unanimously in the House as well. But when this amendment got behind closed doors, women were once again abused, and it was stripped from the bill.

It is absolutely essential that we put this law into the books so that the States across the Nation who are waiting to see what our action is can make sure that women who are abused are taken care of.

Today, the Children's Defense Fund has come out in support of this amendment, and I ask unanimous consent to have this printed in the RECORD.

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

CHILDREN'S DEFENSE FUND,
September 9, 1997.

CDF SUPPORTS ANTI-FAMILY VIOLENCE AMENDMENT

WASHINGTON, DC.—The Children's Defense Fund (CDF) announced its support today for the Victims of Family Violence provision proposed by Senators Patty Murray (D-Wash.) and Paul Wellstone (D-Minn.) as an amendment to the Senate Labor, Health & Human Services, and Education Appropriations bill for Fiscal Year 1998.

The amendment allows states to temporarily waive certain requirements of the 1996 welfare law for families that are victims of domestic violence, even if their number exceeds the law's 20 percent cap on exemptions to the time limit.

''Mothers who have been threatened or battered need a safe place for themselves and their children, and need support to reenter the work force. The Victims of Family Violence amendment makes it possible for states to offer that protection and help to mothers and children,'' said Grace Reef, Director of Intergovernmental Relations of the Children's Defense Fund. ''Twenty-eight states have opted under the 1996 welfare law to screen for family violence and offer services to families affected. These and other states need the clarification that this amendment provides to ensure that families receive the help they need to escape immediate danger and plan for their return to work.''

Studies by the Better Homes Fund and the University of Massachusetts Medical Center and by the Taylor Institute in Chicago have documented the prevalence of domestic violence in the lives of women and children receiving public assistance. Another study found that 55 percent of battered women surveyed had been prevented from working by their batterer (Shepard and Pence, 1988). More than half of battered women responding to a survey said that they stayed with their batterer because they did not feel they could support themselves and their children (Sullivan, 1992).

''The Victims of Family Violence amendment means safety for children and their mothers while they take the steps necessary to move on with their lives,'' said Reef.

Mrs. MURRAY. Mr. President, they know what far too often happens to children who are in abusive situations if there are barriers to that woman getting to work. We want to make sure that there are no barriers. The CDF explicitly outlines this in their statement today, and I thank them for their support.

Mr. President, I have worked on this issue for a number of months—in fact, for a number of years. It has become more critical to me in the last few weeks because of events that happened in my home State.

About a week ago a young officer in Takoma, WA, was called to a home where a domestic violence situation had occurred. Unfortunately, he was shot and killed. He has a 1-year-old child. He is gone. I heard from many police officers who tell me how risky it is for them to go to homes where domestic violence calls have been placed. We need to make sure that we allow these women to get out of those situations so we don't have the increased numbers that we today have of domestic violence calls. I am amazed at the increased number. In fact, in the Seattle Times just a few days ago was an

article, that I will submit in a minute, which says that in Seattle in 1995—which is the latest year for which any data are available—there were over 16,000 calls to 911 related to domestic violence.

It was just reported that there is an epidemic, an increase in the violence in Spokane County with more than 6,400 cases reported last year, which is a big increase over prior years.

In Tacoma, where a young police officer was just killed, it is reported that during the past 15 years 11 police officers in the Puget Sound area have been killed in the line of duty. Four of those officers were slain while responding to calls to help settle domestic disputes, a huge portion of them.

We need to make sure that as a body we do everything we can to help women get out of domestic violence situations in a safe and responsible manner, to get them back to work in a way that economically works, that their health care is taken care of, that their children are taken care of so that they get out of these situations. If the work requirement remains in place, women will be forced to stay at home with their abuser. They will not be able to go out and get themselves economically independent in a responsible way.

Mr. President, 27 States have asked for a waiver on family violence. Until we clarify the language here in the Senate and approve it in conference, these States will not be able to move forward without being penalized under the work requirements of the welfare bill.

I urge my colleagues to support this amendment with a recorded vote this time so that we can send it to conference and do the responsible thing that is required of all of us when we care in a humane way about women who are in a situation in which none of us ever wants to be.

I see my colleague, Senator LANDRIEU, a cosponsor of the amendment, is here, and I yield her time to speak.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

I rise to thank my colleague from Washington State for her admirable work in this area and for her persistence in year after year presenting this amendment that so clearly is deserving on its merits, and coming back again for the third time to this body, which has already expressed strong support for this clarification of this waiver because this body, on both sides of the aisle, Mr. President, I think, understands the great trauma and pain of families experiencing violence, both to the woman primarily and also to the children.

I rise because I supported the welfare reform effort. I was not here as a new Senator, so I was not able to vote. But I want to say for the record that I support our efforts to change the welfare system in America, as long as those changes allow for job training and day care opportunities and transition. We do need to do a better job in this country of moving people from welfare to work. We need to do a better job of honoring work, particularly for those working at the minimum wage. So I support the changes.

My colleague from Washington has expressed beautifully that there are some modifications and clarifications that are essential. This one is essential.

With the suffering that is incurred by millions of children —and I say millions of children—who are in homes where this violence is occurring, the screams in the night, the begging for someone to help, the years of torture and abuse that many children suffer and many spouses suffer, we have to do more. Let us not add to their pain and suffering by letting this remain unclear in the law, when it is so clear that we want to say that the States simply have the right to design temporary relief for them so that they do not have to give certain information that would put them in jeopardy and put their children's lives at risk.

I can only say how hopeful I am that when we pass this amendment, which looks as if it will pass by a large margin, it will this time stay in this bill for the children of the Nation, who literally—and I wish I could play a tape that I heard just this week by a chief of police who stood up before a group of us and said, ''This is a tape that I use for training my officers.'' It was horrifying to listen to this child scream in the night for a dispatcher, an operator to send help quickly to the home where a male—I do not know if it was the father or a friend—was beating this child's mother. To close your eyes and listen to this tape and this child's screams was almost more than I and others in the room could stand.

So let us not add to the suffering. Let us be clear. Let us give the States a chance to do the humane thing.

I thank the Senator from Washington and I urge our colleagues to support this amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator LANDRIEU, for her excellent statement and for all of her support and her help on this very important piece of legislation.

I know that Senator WELLSTONE also wants to speak on behalf of our amendment today, and I believe he is on his way to the floor. While we are waiting for him, let me read a paragraph or two from a press release put out by the Children's Defense Fund today, who, as I spoke about before, know firsthand what happens to children in violent situations. I quote:

Mothers who have been threatened or battered need a safe place for themselves and their children and they need support to reenter the work force. Passage of the family violence amendment makes it possible for States to offer that protection and to help mothers with children.

There are studies by the Better Homes Fund and the University of Massachusetts Medical Center and by the Taylor Institute in Chicago that have documented the prevalence of domestic violence in the lives of women and children receiving public assistance. It is important that we pass this amendment today so that we can make sure these women and these children are taken care of in this country and live in safe environments.

Mr. President, I am going to yield time now to Senator WELLSTONE, who has been instrumental in this battle. I thank him for all of his work on behalf of the many women and children across this country who will be able to feel much safer when we finally get this passed and put into the law.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank Senator MURRAY. This has been a labor of love, working with her on this, from the very beginning. I do think it is very, very important. We have had voice votes on this, but we now need to get the Senate on record, and this is an extremely important amendment.

It is interesting; this amendment essentially says—and I know Senator MURRAY and I are so pleased that Senator LANDRIEU has also joined us—to States, look, Arkansas, Minnesota, if you decide what you want to do is request a good-faith waiver, not a total exemption, so that you can as a State such as Minnesota in dealing with a family, a woman who has been battered, has been beaten up over and over again and also dealing with her children, say, look, from the point of view of our work force participation requirements of the welfare bill or ultimately from the point of view of how many people there are going to be in terms of what percentage of people have to be off the rolls, we may need a little more time to give support to these families. We may need a little bit more time. One size does not fit all.

I would like to thank my wife, Sheila. I said to Senator MURRAY, she has worked so hard on this. I would like to thank her and also the community in Minnesota that has provided us with a lot of support. The fact is when you meet with families, you realize that all too often a woman has been battered over and over again, her children have seen it, and it just may be that she is not able right away to move into a job.

I just want to thank Jody Raphael at the Taylor Institute in Chicago, who does rather magnificent work. I would also like to thank Pat Reuss, of the NOW Legal Defense and Education Fund, who has been great.

Jody pointed out—I am not going to quibble on statistics —in some of her work that a real high percentage, maybe 20 percent or more, of these mothers, welfare mothers who have in fact been beaten, are, in fact, if you will, victims of abuse in their homes.

This also affects the children who see it.

So the reason for this amendment is we just want to make crystal clear to our States, all of our States, that they do have clear direction and support from the Federal Government, from the Congress and the White House and Health and Human Services, that Minnesota, Washington, if you want to provide additional support services and you want to make sure that a woman gets those support services, you can ask for a good-faith waiver to make sure you can do that.

Otherwise—and colleagues need to understand this, and that is why Senator MURRAY and I come back to the floor again—we are talking about a very dangerous situation. We talk in this Chamber, the words are spoken and we mean it, but sometimes we forget the connection to people's lives.

If you do not do this, what is going to happen to all too many women is they are going to be in a situation where they are going to be forced into a work situation. They are not able to do it. They are stalked by a former boyfriend or former husband or whatever the case is. They have been beaten up and maybe they can't even come that day for job training. Maybe physically they cannot come. Maybe they are just ashamed to show up. All of a sudden, because women cannot work, given what is going on, given what is happening to them, given what their children are seeing, we are going to say to these women, ''You are off of any AFDC assistance. You do not get any assistance at all.''

Then what happens, colleagues, is they have one choice for their children. They have to go back into that very dangerous home. They have to go back and be with that batterer.

Now, Mr. President, the shame of it is—and this is why we come to the floor—the Senate has gone on record, what, three times, I ask the Senator, and then every time—I have heard Senator MURRAY speak about this eloquently so I do not need to repeat her words—and then every single time in conference this just gets knocked out. That is really outrageous. That is really outrageous.

It is time that we pass this with a strong recorded vote, and this should be a message to the Congress and a message to the White House and a message to Health and Human Services: Please, get the directive out to the States making it clear to States—right now we have, what, I ask the Senator, 26 States?

Mrs. MURRAY. Twenty-seven.

Mr. WELLSTONE. Twenty-seven States that have been able to go forward. But even Minnesota, which has gone forward, on the basis of talking to the Senator and Sheila, they have still gone ahead with clear direction. They know the amendment has been passed. They know what it is they are supposed to be doing, but they have not really seen it in writing from the White House, from Health and Human Services. We need that to happen. This is what this amendment is all about.

I conclude by thanking my colleague, Senator MURRAY. I think it is extremely important that not only women and not only their children, but there are a lot of men who care about this issue in the State of Washington, Arkansas, and all across the country—I think it is very important that people in our country realize you need a strong voice on this issue.

Senator MURRAY has been that kind of Senator. I really would like to thank her for all of her leadership and, for that matter, for just her tenaciousness in coming back over and over and over again and not letting up on this, because this is about people's lives, it is about a lot of women who have had to deal with something that we hope and pray none of our daughters and none of our sisters ever have to deal with. We ought to make sure that we provide them with the assistance they need.

I will tell you, as a Senator from Minnesota, a State which has done a lot of good work in trying to provide support for women and children, and as the husband of my wife, Sheila, who cares so much about this, I am honored to be in this struggle with Senator MURRAY, and I know we will prevail with a strong vote.

I yield back the rest of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Minnesota for his strong words and his support of this amendment and all of his work on behalf of this as well as that of his wife, Sheila.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Washington has 10 minutes remaining.

Mrs. MURRAY. Mr. President, I am going to ask shortly for a rollcall vote on this amendment. It is imperative we have a strong rollcall vote on the underlying amendment so we can move it to conference with a very strong message from the U.S. Senate that we are going to support this with our voices, with our votes, and that we are going to watch it in the conference committee so it remains in this time.

We are going to send a strong message to the White House that this body is not just doing this as some kind of political maneuver, we are doing it because we mean it and our votes are going to back it up. We are not just going to talk about domestic violence, we are going to be there to make sure the action takes place to take care of the women who are abused and are put in this horrendous situation that each of us hopes never to be in. It is imperative we do this for the women who are being abused. It is also imperative we do it for the neighborhoods and communities they live in. And it is imperative we do it for our police officers across this country who are put in these violent situations far too often today. We need to do our part to prevent that from happening as well.

Mr. President, I am ready to yield the remainder of my time if there is no one going to speak in opposition, and to ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator seeking the yeas and nays?

Mrs. MURRAY. 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.

Mrs. MURRAY. 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.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that we yield back all time on amendment No. 1118 and set it aside so Senator WELLSTONE can move forward.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be ready in just a moment. 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1087, AS MODIFIED

(Purpose: To increase funding for the Head Start Act)

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I modify my amendment and I send the modified amendment to the desk.

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

The amendment (No. 1087), as modified, is as follows:

On page 61, after line 25, insert the following:

SEC. . (1) The total amount appropriated under this Act to carry out the Head Start Act shall be $4,830,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall not count toward the Committee and Subcommittee allocation pursuant to that Act; and

(2) the amount appropriated for the Department of Defense for fiscal year 1998 is hereby reduced by $525,000,000.

Mr. WELLSTONE. Mr. President, this amendment would add $525 million to the budget for Head Start. I thank my colleagues, Senator HARKIN and Senator SPECTER, for their fine work. This bill already provides Head Start with a $324 million increase in funding for 1997. The President, the Clinton administration, claims this will allow

Head Start to serve 1 million students by the year 2002.

The Head Start Association has said rather loudly and clearly that, in order for Head Start to actually serve 1 million students by the year 2002, it would need another $525 million this year and every year until 2002. Therefore, I offer this amendment to increase Head Start's funding by an additional $525 million to reach that goal of 1 million. We ought not say we will reach that goal unless we make the commitment.

In order to reach this goal, the offset that I propose would be by a rescission from this year's appropriation for the Department of Defense. I could talk about a whole lot of different waste in the defense bill, but just to give but one example, the B–2 bomber most recently has been reported to be unable to fly in the rain and the snow by the General Accounting Office. It, itself, is slated to receive $586 million from the Senate, and $928 million from the House. Though this amendment is not about the debate on the B–2, I understand the Senate has basically said no more B–2's; I think on the House side they have talked about moving forward.

The Head Start Program currently serves 740,000 students. Head Start, roughly speaking, serves 30 percent of the eligible population of 4- to 5-year-olds; and only 18 percent, if we were going to talk about right after birth until age 5. That means Head Start does not have the money to serve more than 2 million eligible 4- and 5-year-olds and roughly 4 million children from right after birth to age 5. There is no way that this amendment does enough, but it would make a difference. In my State of Minnesota, the money for Head Start covers 9,000 Minnesota children who are eligible out of a population of, roughly speaking, 25 million children.

I want to be clear about this. I know I will be up against a point of order and I do not expect to win on this amendment. This amendment says that there is still plenty of waste in the Pentagon budget—the B–2 bomber is one good example. On the House side it barely passed any increased funding, a plane that cannot fly in the snow or in the rain, but there are other examples as well. I am just saying, when we look at hundreds of billions of dollars for the Pentagon, couldn't we transfer $525 million to make sure we reach our goal of covering 1 million children?

But there are two parts to this amendment. The first part is, if we are going to say White House, or we are going to say U.S. Senate, that we are going to make sure that 1 million children are covered, let's not make it symbolic.

Let's do what the Head Start Association itself says we have to do to make sure we at least cover 1 million children. That is what this amendment says.

Mr. President, let me go on and say one more time that Head Start altogether leaves out 4 million children-plus who could receive a head start.

Just to focus on what this amendment is about, there are plenty of people who have said there is more than enough waste in the Pentagon budget—administrative waste, going forward with some weapons systems that make no sense whatsoever—but I hardly hear anybody on the floor of the U.S. Senate say that we should make a commitment to Head Start, which is just about that, giving children from families with really difficult circumstances a head start.

But we are not even going to reach our goal of 1 million children unless we provide this additional $525 million. We can do better, I say to my colleagues. We can do better for children in this country. We can do better for poor children in this country.

The scandal to all this is that we are not even coming close to covering 30 percent of the overall population that is eligible. On the one hand, we say we are committed to small children. On the one hand, we have all of this research that is coming out about the development of the brain, talking about how the early years are most critical—right after birth to age 3, actually before birth, that a woman expecting a child should get good care. But at the same time, when you look at just not the 4 and 5 year olds, but when you look at early Head Start, which is right after birth to age 3, we are covering just a small, tiny fraction of the children who could really benefit from this help. What my amendment does is try to appeal to the goodness of the Senate and try and say that we can do better.

Mr. President, I have been honored as a U.S. Senator from Minnesota to have the opportunity to travel in the country and to be in communities where people are really struggling against some pretty difficult odds, I will just tell you, whether it be in Chicago, in a heavily Latino neighborhood on the south side of Chicago and visit with the Head Start Program and you see these beautiful programs and you meet with the staff.

Mr. President, the men and women who are the Head Start teachers and teachers' assistants barely make above poverty wages, but you see the good work they are doing and you see all the ways in which children in Head Start receive some intellectual stimulation, they get referred to health care clinics so that they can get the health care that they need, so that they can get the dental care that they need. You see the way in which these programs, at their best, give children encouragement. It breaks my heart that we cover such a tiny percentage of children who could really use this help.

This really can make a huge difference in young children's lives. I have gone to east Kentucky and have spent time in Appalachia and, again, I met, first of all, mainly women who are Head Start teachers. They should be heroines. I asked a woman who has been with Head Start from the beginning, ''Why do you do this? You certainly don't make much money.''

She said, ''I do this because I know what I can do for children. I get so much satisfaction from giving these children this encouragement, from making sure I can help these children at a very young age.''

We know that. We say we are committed to early childhood development. We say we are committed to covering. We say we are committed to covering that. The administration says we have to make sure 1 million children are covered. We don't have enough funding. The Head Start Association tells us we don't have enough funding for actually 1 million students by the year 2002—1 million children—which is just a tiny percentage of the number of children who are eligible.

Mr. President, my amendment is pretty simple and straightforward. It says let's live up to our words. We have more than enough waste in the Pentagon budget. We ought to be able to transfer $525 million to make sure we live up to our word and/or contract with these children and at least 1 million children by 2002 receive this Head Start assistance.

I don't know whether or not we are or are not going to have a discussion about the testing and whether or not the Federal Government or an independent group develops tests, but I want to speak about that for a moment because I think it is directly related.

I want to say two things by way of conclusion. I say to my colleagues, I don't expect to win. I don't expect to get a huge vote because this is a transfer amendment, and I have seen what happens to transfer amendments from the Pentagon to these kinds of needs. But you can travel in this country, go to Chicago, or go to Minnesota, or go to delta Mississippi or go to Kentucky and meet with children and meet with families and see the good work that is being done by people who should be famous and then see how little they have to work with and how, if we would just invest a little more and not come to the floor and fight, more of these children would have a head start. So win or lose, I am going to speak out on this, and I am going to fight for it.

Mr. President, I also want to say to the President, to the White House and to the administration, I have been thinking long and hard, if we actually have a vote on this in the Senate, about this whole question of testing. I just want to say that I have a certain amount of sympathy, as someone who was a teacher for 20 years, with those who kind of wonder about the standardized tests. Yes, we want accountability and, yes, it is voluntary.

I will tell you, I have a real concern about the focus on tests as the way we measure accountability when I think that what it could very well lead to is standardized teaching to standardized tests, worksheets which are educationally deadening.

I will tell you, in Minnesota, every year I read very carefully the profiles of the teachers of the year. Not a one uses those worksheets. They get kids or young people to connect themselves personally to what is being discussed in the classroom.

I really worry about the direction we are heading in the name of reform. I also have quite a bit of sympathy with those who are saying to the White House and the administration, in all due respect, if you are going to talk about education and you find that people in the country are with you, if you are going to talk about each and every child should have the same opportunity to reach his or her full potential and people in the country are with you, and if you are going to talk about the need for us as a country to renew and reinvigorate our vow of equal opportunity for every child and you see that the people in the country are with you, well, then, do you know what? Make a commitment to do something about it.

In all due respect, just to have some more tests doesn't do a whole lot. If you don't change the concerns and circumstances of children's lives, starting with more of a commitment to Head Start, then we already know who is going to fail those tests. We have a huge learning gap in this country. We know the children who are going to do well, and we know the children who are not going to do well. What good is it to just fail those children again this time on a test?

If we don't make sure there is a commitment to Head Start and good child care so that children come to kindergarten ready to learn, and if we don't make a commitment to make sure these schools are inviting places for our children as opposed to being so dilapidated and dreary, investment in school infrastructure, of which we have done hardly anything, and if we don't make a commitment to making sure that these children have hope and have opportunity and that there is the necessary funding, then these tests don't do anything at l. They don't do anything at all. They amount to little more than a technical fix.

(Ms. COLLINS assumed the Chair.)

Mr. WELLSTONE. Madam President, on the other hand, I think that I will support this initiative. I have had a chance to talk with Secretary Riley. He is about as gentle a person as there is in Washington, DC. He is so committed to children, and I guess since it is voluntary and we are trying to develop good tests, it can't really hurt a lot. I guess it would represent a very small step forward and, as a college teacher for 20 years, I don't think I am prepared to just sort of say no, thumbs down.

But I would like to say to the White House, I would like to say to the President and I would like to say to my party, the Democratic Party, we are going to have to do much better. We cannot say that a million children are going to be in Head Start and then not appropriate enough money to make sure that happens.

We can't say that we are committed to equal opportunity for every child and not adequately fund Head Start and not adequately fund good developmental child care.

We can't say that we are for children doing much better in the schools and not invest hardly anything. We have invested hardly anything in rebuilding crumbling schools all across America. We cannot make that case.

If we are not willing to do what is necessary by way of changing the concerns and circumstances of children's lives before they go to school and when they go home and to make sure that these schools have the resources to work with and have the support services to work with, then these tests are just going to fail the same children who are already failing, in which case it is just absolutely outrageous.

This amendment that I have offered isn't going to win. Maybe this is what you call a message amendment. But I am telling you something, just as Fannie Lou Hamer, the great civil rights leader, said, ''I'm sick and tired of being sick and tired.'' I get a little sick and tired of our not following through the words we speak with some investment. Everybody is for the children except when it comes to digging in the pocket and making the necessary investment. It doesn't seem to me to ask too much to say an additional $525 million to go into Head Start so, as the Head Start Association says, we can at least serve 1 million children.

Madam President, I just want to make one other point, and then I will reserve the remainder of my time. Again, if I do this the wrong way, it is not going to come across well, and maybe a lot of Senators do this already. I am telling you, I have learned so much from traveling to communities around the country, just looking, learning from people who are in these struggles of trying to earn a decent living, trying to raise their children well, people struggling economically, looking at the poverty in this country and meeting women and men who should be heroines and heroes who are doing great work. It just reminds you of what being a U.S. Senator is all about.

Today on the floor of the Senate, I am hoping, even if I don't win, to at least push this debate forward. I just get a little bit indignant that the sole focus becomes testing, and we don't put the money into early childhood development. We don't make sure children come to kindergarten ready to learn. We don't do much of anything about investing in crumbling schools. We don't do much of anything about the huge disparity in resources that different schools have to work with. We don't do much by way of encouraging the teachers.

I will tell you something, some of the harshest critics of public schoolteachers couldn't last 1 hour in the classrooms they condemn. I am just asking my colleagues today to vote for a small transfer from the Pentagon budget to Head Start. There is no reason to spend a whole lot of more money on planes that can't fly in the snow or the rain. I think we can spend the money trying to provide help and support for children right here in our own country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If neither side yield time, time will be charged equally against both sides.

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

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes and 45 seconds remaining.

Mr. WELLSTONE. I thank the Chair.

Madam President, while I am waiting, just some facts by the National Commission on Children.

The first 3 years of a child's life are a time of unparalleled development: physical, intellectual, linguistic, social, and emotional.

I do not need to use a commission. Let me use my expertise as a grandpa. I mean, we know this as parents and grandparents. We know now what all of this scientific evidence tells us, which is, these early years are critical years. You have to get it right for children. In fact, if we don't get it right for children in our country, all these children—they are all God's children—then by age 3 many of them may never be ready for school or never ready for life.

The fact of the matter is, I am just saying, take $500 million for Head Start and at least make sure we cover 1 million children. If we were to consider not just the 4- to 5-year-olds, but the 3-year-olds and the 2-year-olds and the 1-year-olds, where it is probably even more important they get that additional help and families that additional support—we are covering maybe 15, 18, 20 percent of the overall number of children that need this help.

I find it very difficult, frankly, to explain, why don't we fully fund the Head Start program? If we are going to argue the Head Start program gives children—special children; all children—a special head start, and we are going to argue we know these are the critical years, then why in the world are we not investing the money? Why are we not matching our rhetoric with the resources?

Madam President, I will say it one more time, and then I will reserve the balance of my time. It is just on a personal note. I love the work that the

men and women and women and men in Head Start are doing.

Thank you for your work in eastern Kentucky, thank you for your work in Chicago, in Minnesota, thank you for your work in delta Mississippi; and I am sure it would apply to Maine and every other State in the country.

There is nothing more important you can do, because I just tell you that when I spend time with my 20-month-old grandson, the youngest, Joshua, I can't believe it—I have said on the floor before—every 5 or 10 seconds he is interested in something new. We are not, but these children are. They are experiencing all the unnamed magic of the world that is before them.

You can take that spark of learning, and you can ignite it. And if you ignite it in our Head Start programs—some of them do that; many of them do that—then you can take a child from any background to a life of creativity and accomplishment, or you can pour cold water on that spark of learning. And we do that to too many children.

In the State of Minnesota we could do so much more. We cover 9,000 out of 25,000 eligible children in Minnesota—9,000 out of 25,000.

Madam President, this is unacceptable. This is unacceptable. We cannot keep saying that we are for the children, we cannot keep saying we are for equal opportunity for every child, we cannot keep saying we are for education, Democrats we cannot keep saying we are for expanding opportunities and just focus on testing. We have to do much more.

Where is the investment to rebuild the crumbling schools all across the country? Where is the investment in Head Start? Where is the investment in early childhood development? Where is the investment in making sure that standards are met and that all of the children that are in our child care, whether they be centers or whether they be family child care or home-based child care, that standards are met and children are safe and children are receiving not custodial but developmental care? Where are the standards? Where are the resources? Where is the commitment?

I do not know if anybody is going to debate me today on this. My guess is it would be just to table the amendment or a point of order. But I would like to debate colleagues, whether they be Democrats or Republicans, about why it is we can't do better.

We just had this budget agreement. And everybody said that the budget agreement was so successful in dealing with the budget deficit. What about the spiritual deficit? What about the children deficit? What about the education deficit? What about the community deficit? We have not dealt with any of those deficits.

I just suggest that if we cannot put a little bit more money, at least into Head Start as a start, then we are not doing as good as we could be doing for children in this Nation.

Now, I grant you, the children who we are talking about in Head Start, these are children that are low income, these are children whose mothers and fathers do not have much by way of economic resources, and they do not have much by way of economic or political clout, but we ought to do better.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

If time is not yielded, it will be charged equally against both sides.

Mr. HARKIN. Madam President, I rise in support of the amendment offered by the Senator from Minnesota.

The Senator's amendment is simple. It would shift $525 from the Pentagon budget to Head Start, a very worthy program under the Labor, Health and Human Services, and Education appropriations bill. The amendment does not specify where in the Pentagon budget the funds would come from, we leave that for a later time and for input from our military leaders.

The first National Education Goal states that by the year 2000, all children will start school ready to learn. Earlier this year, scientific research provided irrefutable evidence that the best way to achieve this goal was in a child's first three years of life.

The release of this research was followed by a White House conference, television specials, magazine articles and a lot of talk about the need to improve activities to promote the development and education of young children.

The pending legislation made some very modest efforts to seize the momentum created by these activities, but were limited by the constraints of the budget agreement. The bill does make some improvements, such as:

Head Start is increased by $324 million with 10 percent dedicated to the Early Head Start program. This action doubles the set-aside for the programs which serve children up to the age of three.

The early intervention program for infants and toddlers with disabilities is increased by 11 percent to $351 million.

The National Institute of Child Health and Human Development is directed to examine the quality of child care funded by federal resources to determine to what extent recent research on the brain development of young children is being applied by recipients.

In addition, the bill provides more resources for other programs to enhance the education and development of young children such as the Parents as Teachers Program, child care block grant and the Healthy Start Program.

While I am pleased with these investments in the education of young children and appreciate Senator SPECTER's support, however, we need to do more—much more.

That's why I am pleased to support Senator WELLSTONE's amendment to provide additional funding for Head Start. At the present time, Head Start is serving only a fraction of the number of children eligible for these services. The additional funding would expand the number of children receiving the education and health services that will enable them to start school ready to learn.

The key to our economic security requires a well-educated, highly skilled and healthy work force and the strong foundation for this skilled work force is formed during the first years of a child's life. To achieve this goal however, it is critical that children start school ready to learn so that they will leave school able to earn.

The amendment would reduce funds for the Department of Defense so I would like to take a few moments talking about the Pentagon spending.

A perfect example of unnecessary spending is the plan by the other body to spend $331 million for additional B–2 bombers. The Department of Defense has spent $44.4 billion to develop and purchase 21 planes. Now B–2 bomber advocates want to purchase an additional 20 planes at a cost of $35.9 billion for procurement and operations. This works out to more than $1.7 billion per plane. In fact, this means that the B–2 bomber costs more than three times its weight in gold. Both the House Defense authorization and Defense appropriations bills include $331 million as a down payment for an additional nine planes, with the hopes of building even more later on.

The list of folks who oppose additional B–2 bombers has become noteworthy. The Air Force doesn't want more B–2 bombers. This has been well know for quite some time. Now, other parts of the defense establishment oppose additional planes. In August, Defense News—hardly a bastion of the liberal press—published an editorial entitled, ''Time to Pause on B–2.'' To quote the editorial, ''the U.S. House of Representatives should pause for reflection before it takes one more step to resuscitate the B–2 bomber program and buy nine more planes.''

I ask unanimous consent that the full text of the Defense News editorial be printed in the RECORD.

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

[From Defense News, Aug. 11–17, 1997]

TIME TO PAUSE ON B–2

The U.S. House of Representatives should pause for reflection before it takes one more step to resuscitate the B–2 bomber program and buy nine more planes. The extraordinary cost will far exceed the sticker price, estimated at $1.4 billion per plane.

The level of funding for defense during the next five to 10 years means that money for the planes would be taken from other weapon systems, such as the V–22 tiltrotor aircraft, the Comanche helicopter and various warships. It probably would adversely affect theater missile defense projects, a top national security priority, and even the purchase of basic munitions for operational units.

That is a lot to pay for a bomber the Air Force says is not a top priority.

In addition, serious questions recently have been raised about the viability of the

airplane itself. In a preliminary report, the Pentagon's director of operational testing concludes that only 22 percent of the fleet is available to meet wartime requirements when the B–2's low-observable systems are in use.

In addition, the amount of time spent on repair of the airplane's radar-evading devices was found to be excessive.

Though tentative, these are substantial criticisms because the low-observable, or stealth, characteristics are central to the value of the airplane.

The Air Force paid a premium price for the B–2 because it is supposed to be able to evade most radar systems.

These and other conclusions in the report should prompt a full-scale assessment of the B–2 fleet's readiness.

The testing director's findings are preliminary. But they are reason enough for the House to delay even initial funding for an expensive airplane that may not work very well.

Mr. HARKIN. Madam President, the latest bad news for the B–2 bomber program is a GAO report that describes some serious shortfalls with the planes stealth features. Specifically, the aircraft is more sensitive to climate and exposure than expected. The B–2 requires special shelters to maintain its stealthiness or prolonged exposure to the rain and other common weather problems can negate the planes' ability to avoid radar.

This is not the first time that the B–2 bomber has faced problems with rain. Two years ago, we heard how the bomber's radar had trouble telling the difference between a rain cloud and a mountain.

In fact, the Air Force hinted at the stealth problems back in 1990, when they sought approval for a series of special hangars for the B–2 bomber at a cost of $4.7 million each. I am sure the cost has gone up in the past 7 years, but even then, the problem of maintaining the sensitive stealth skin of the B–2 bomber was talked about. And now the GAO has shed more light on the B–2 bomber stealth problems. According to the GAO, the B–2 bomber must be kept in shelters because of their sensitivity to moisture, water or other severe climatic conditions. Unless flown in only the most benign environments—low humidity, no precipitation, moderate temperature—the plane requires extensive maintenance or it will not be ready for use. I think modern warfare will included conditions that aren't exactly the most benign environment.

Here is how some newspapers are now describing the bomber.

The New York Times has said: ''The $2 billion Stealth Bomber Can't Go out in the Rain.''

The St. Peterburg Times used the headline: ''Not so stealthy when wet.''

And Robert Scheer of the Los Angeles Times said ''Let's hope it rains on the B–2's parade.''

No one disputes that the Cold War is now over, but some in this body would like to continue funding the Department of Defense as if it had never ended. The B–2 bomber is the perfect example of that view.

The world today is not the world of 1985. True, there are dangers to the United States, but they are not the kind of dangers which justify a military budget that swallows discretionary spending and harms the very citizens it seeks to protect. They are not the kind of dangers that require more B–2 bombers at a price we cannot afford.

Even with the elimination of the Soviet Union, our defense spending is still over 80 percent of United States cold war spending levels.

The United States will spend nearly three times what any other country on the face of the Earth will spend on defense. In fact, if you added up the military expenses of all of Europe and South America combined, that is to say every country in Europe and South America together, you would find that the United States still out spends them on defense.

I ask you Madam President, what is all of this money for? What enemy are we going to fight? Cuba, who spends less then 1 percent of our military budget? Or Lybia or Iraq or Iran or North Korea or Syria? Or are we spending $266 billion a year simply to have a large military.

Let's look at some more figures. United States military spending is three times more than China, India, Pakistan, Russia, and Vietnam combined. It is more than double all of our NATO allies combined and it is larger than the next eight largest military budgets combined.

As it stands now, such a large portion of our discretionary budget goes toward defense spending, that the security of our citizens is threatened. Yes, Madam President, you heard me correctly, they are threatened by increased defense spending. Why? Because every extra dollar we spend on defense is a dollar less for education, for putting police on the streets, for stopping the drug epidemic and feeding our children.

The amount of discretionary funding spent on defense totals over 50 percent of the discretionary budget. That means that the portion of the total budget that Congress actually decides where it will get spent, or the discretionary budget, goes overwhelmingly toward defense. For every discretionary dollar, 50 cents goes to defense. Not education, not health care for children, but defense.

Every dollar we spend on defense has to come from somewhere. My question is, Where does the funds for defense come from? Does it mean one less school gets connected to the Internet? One more child can't read, or one more child goes hungry?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I assume I am recognized as being the person in opposition to the amendment.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. Sixteen minutes forty two seconds.

Mr. DOMENICI. I surely will not use the entire time, and whatever time I do not use I will yield back.

In a couple minutes I will make a point of order against the pending amendment. It is a clear violation of section 306 of the Congressional Budget Act. I understand the sponsor of the amendment will move to waive the point of order, and I in no way want to infringe upon that privilege.

Let me just say this is a very simple proposition. Everybody should understand that in the budget agreement there were a lot of priority items. That meant, literally, that the Congress and the President agreed that certain programs would be funded at the President's request.

Anyway, it is pretty interesting because we indeed funded Head Start at the exact amount the President asked for in his budget. Head Start funding is increased substantially in this bill, $324 million above the 1997 level for total funding of $4.3 billion.

It just seems like enough is never enough, despite the fact that we adopted the President's request and increased funding for Head Start $324 million over last year.

My good friend, Senator WELLSTONE, wants to add an additional $525 million. Now, you understand I am not that quick with arithmetic, but $525 million versus an already existing increase of $324 does permit one to wonder what is the reason for this vote. It seems like it is a vote to vote, because we have already increased Head Start dramatically and in fact provided for this program exactly what the President requested.

Having said that, for those who are concerned about military spending, and there are many, we are struggling mightily on various defense measures that we are hoping the President will sign, and the arguments are essentially over money. What we have agreed on with the President in the bipartisan budget agreement is that we will provide a certain amount of money for all of defense. Then we say for the next 2 years you cannot spend any defense money for domestic programs. That is called a wall between defense and domestic spending.

When we did not have this wall between defense and domestic spending, defense never knew how much money they would receive because they had to wait for the completion of all the appropriations bills to see if money would be transferred from defense to domestic spending.

Again, Senator WELLSTONE did not want to confront the wall and tear it down so he went around it. He just established his amendment and then he said the amount appropriated for the Department of Defense shall be reduced by $525 million and the Head Start Act would be increased by the same

amount. However, his amendment would direct the Budget Committee not to show an increase in domestic spending so as not to bump up against the overall nondefense discretionary spending cap nor would it count against the committee and subcommittee allocations.

Therein lies the Budget Act point of order. By directing the Budget Committee not to follow the scoring rules established by the Congressional Budget Act, the Wellstone amendment is subject to a 60 vote point of order pursuant to section 306 of the Budget Act.

Madam President, the pending amendment contains matter within the jurisdiction of the Committee on the Budget in that it provides that the spending associated with this amendment will not be counted against nondefense discretionary spending caps. I therefore raise a point of order against the amendment pursuant to section 306 of the Congressional Budget Act.

Now, Madam President, I ask unanimous consent that I, prior to reading that and making that point of order, be deemed to have yielded back any time I have remaining.

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

Mr. DOMENICI. Could I be recognized for an observation, Madam President?

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

Mr. DOMENICI. I understand Senator WELLSTONE has time and clearly we would not vote until he uses his time or the leadership agrees.

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

Mr. DOMENICI. I do not intend to move ahead until the leadership has agreed on the time, and that Senator WELLSTONE be given time to make his waiver motion prior thereto. I hope that is the game plan we are operating under.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment will be set aside temporarily.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. There is no amendment currently pending.

AMENDMENT NO. 1116, AS MODIFIED

Mr. KENNEDY. I see. Well, I understand from the discussion of the leaders that we will be addressing the sense-of-the-Senate resolution as proposed by Senator DASCHLE and cosponsored by myself.

I send a modification to the desk on behalf of Senator DASCHLE to amendment No. 1116, a sense of the Senate regarding Pell grants and child literacy funding. The modification is technical and it has been cleared on the other side. I ask that it might be in order. If it is the desire of the Chair, I will withhold making that request for a moment or two.

The PRESIDING OFFICER. Is the Senator seeking immediate consideration of the amendment, or is he merely seeking to modify the amendment?

Mr. KENNEDY. I am merely seeking to modify it.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1116), as modified, is as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,000,000 low- and middle-income students, our Nation should provide additional funds to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that prompt action should be taken by the authorizing committee to—

(1) make the change in the needs analysis for Federal Pell Grants for independent and for dependent students; and

(2) enact legislation and authorize funds needed to cover the costs of the changes for a $260,000,000 child literacy initiative.

(c) It is the sense of the Senate that the maximum level possible of fiscal year 1998 funding should be achieved in the appropriations conference committee.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending business be set aside so that we might go to my amendment.

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

AMENDMENT NO. 1098

Mr. COVERDELL. Mr. President, I understand we have 10 minutes equally divided, and I would like to begin by thanking Senators ABRAHAM, LEVIN, HARKIN, and MCCONNELL for joining me in the amendment. The amendment is in response to the E. coli problems we have experienced. The amendment calls for $5 million in funds to be distributed at the discretion of the Secretary of HHS, and there is no offset. CBO reports that there are no budgetary problems with this amendment. Its score would not result in a budget point of order.

This amendment, the first section of the amendment provides funding for research on the development of improved medical treatment for patients infected with E. coli. The most vulnerable members of society susceptible to the chronic effects of E. coli infection are children and the elderly. Funding should focus on helping these individuals to recover fully.

Another section provides funding to help detect and prevent colonization of E. coli in live cattle. Research should focus on determining the host-pathogen relationship between cattle and the E. coli microbe and explore which factors contribute to its incidence in cattle.

Another section provides funding for the administration's food safety initiative, more directly for the important consumer education component. This national consumer education campaign on food safety represents a partnership between Government, industry and consumer groups. This is an important link in the food safety chain and a critical initiative endorsed last year by former U.S. Surgeon General C. Everett Koop, along with the U.S. Department of Agriculture, the Department of Health and Human Services and the U.S. Department of Education as well.

Another section would implement a much needed study on the feasibility of irradiating raw red meat to eliminate the E. coli pathogen and to develop a consumer education program on the process of safety. Currently available for poultry products, irradiation is a proven method of confronting this disease, and its feasibility on red meat needs to be explored.

Finally, a section requires the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of the U.S. Department of Agriculture's zero tolerance standard for E. coli in raw ground beef products and the effectiveness of its current microbiological testing program. An updated report on this testing will be helpful to the Congress, the U.S. Department of Agriculture, consumers and the industry in their search for tools to effectively identify and irradiate E. coli in raw ground beef products.

Mr. President, this is a very good amendment. It is directed at the long-term and short-term health of every American, and I urge my colleagues to support it.

Mr. President, I yield the floor and ask how much time is remaining.

The PRESIDING OFFICER. The Senator has used about 3½ minutes.

Mr. COVERDELL. I reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Arizona.

Mr. McCAIN. I heard the distinguished Senator from Georgia say that this $5 million would be spent at the discretion of the Secretary. Is that correct?

Mr. COVERDELL. That is correct.

Mr. MCCAIN. Does that not mean then that the language of the amendment would be changed to say, on line 4, ''of Health and Human Services may carry out activities'' and then on line 9 would say, ''The Secretary of Health and Human Services may carry out the following''? Would that not be the change that would provide this to be done at the discretion of the Secretary, because presently the copy of the amendment I have says ''shall,'' which does not provide discretion for the Secretary. It just says ''shall.''

Mr. COVERDELL. It does not have to. She doesn't have the discretion not to spend it. They are directed to perform these activities.

Mr. MCCAIN. OK. Then the fact is it is not at the discretion of the Secretary when it says ''shall.'' The reality is that when it says ''shall'' in the amendment, it means there is no discretion involved.

In fact, $1 million goes to Atlanta, GA, is exactly what this amendment means. The Senator from Georgia knows very well that I have for 11 years opposed this kind of earmarking, and I intend to oppose it now. But let us not have the Senate be deceived by what the Senator from Georgia just said. The discretion of the Secretary is not the case. There is no discretion when the amendment says ''shall.''

If the Senator from Georgia would be willing to change that word to ''may,'' then I would be more than happy not only to agree with the amendment but support it. The fact is that now it means that $1 million to fund ongoing research to detect E. coli, or prevent E. coli in live cattle only goes to one place and that happens to be, by coincidence, in Atlanta, GA, which is something I strongly object to. If this kind of practice goes on and continues, we will see the unbridled earmarking of funds for specific projects in specific places, which the American people rejected in concept. There is an authorization process and there is an appropriations process. This meets neither one of those criteria.

I understand that the Senator from Georgia will carry this amendment overwhelmingly. I also support the research for detection and prevention of E. coli and infections. It is a worthy cause. There is a system and procedure that we go through, which the Senator from Georgia is violating grossly with this amendment, and therefore I will ask for a rollcall on this amendment. I fully expect it to carry overwhelmingly in his favor, but I wanted the Senator to know that I am deeply disappointed that he will not change the language of this amendment to the proper form which is ''may'' rather than ''shall.''

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. We do have a management problem here.

The PRESIDING OFFICER. The Chair did not understand the Senator from Arizona to ask for a rollcall vote.

Mr. COVERDELL. I think the Senator from Arizona is asking for the yeas and nays, for a rollcall vote at the appropriate time later in the day. I believe that is his motion.

Mr. MCCAIN. My motion is, Mr. President, that I ask for the yeas and nays now.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at the moment.

Mr. MCCAIN. Then 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. MCCAIN. 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. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I ask further unanimous consent that the yeas and nays be set aside until such time as the managers of the bill decide the sequence of the votes that will take place later this afternoon.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. 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. COVERDELL. Mr. President, in response to the good Senator from Arizona, I know he has been long an advocate of nonearmarking, but we just simply disagree on the substance of the amendment. There is no discretion about whether this research will be engaged in or the consumer studies, that is correct, but it is up to the discretion of the Secretary as to how and where that is funded. And that is the difference between us.

The Senator is wrong in his assertion that $1 million of this would go to Atlanta, GA. It is possible that some of these funds would go to the University of Georgia, although it is not directed. The reason that it is possible, I would say probable, is that unbeknownst to me until very recently but long known in the industry, the University of Georgia has been among the several isolated universities that has advanced research on how to deal with E. coli in the live herds versus the contemporary process of trying to somehow spot this disease and irradiate it in the processing of the meat itself. Indeed, a discovery on this would be at the level of discovering penicillin, and it just happens that that research is highly advanced at this university at a time when this problem is such a focus of the attention of health concerns in the United States.

Mr. HARKIN. Mr. President, I am pleased to cosponsor Senator COVERDELL's amendment. Americans need to have the cleanest and safest meat and other foods. The emergency of E. coli:0157H7 is a real threat which we must quickly respond to. The Coverdell amendment provides funding to address this important issue.

There are several ways to reduce E. coli and other microbial contamination and we need to take a multifaceted approach. More research is one of those. The new hazard analysis and critical control point inspection system will start to be implemented on January 1, 1998. That will be a considerable benefit. I believe that an additional improvement that can be made is the use of electronic pasteurization. Through that means, we can kill a wide variety of pathogens that may come into accidental contact with foods with no downside to the consumer other than a very small cost.

I would expect that the Department should coordinate its research efforts with USDA in those areas where the Department of Agriculture has expertise.

I am hopeful that we will move along all of these paths in order to provide the safest and most reliable possible food supply.

Mr. COVERDELL. Mr. President, I reserve the remainder of my time, if any is left.

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. BIDEN. 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. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for 15 minutes as if in morning business.

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

COMPREHENSIVE TEST BAN TREATY

Mr. BIDEN. Mr. President, a generation ago, President John F. Kennedy called for a Comprehensive Test Ban Treaty. President Kennedy's visionary appeal met with modest but important success: the treaty banning nuclear tests in the atmosphere, in outer space, and underwater.

One year ago today, the world community took a major step toward fulfilling President Kennedy's vision.

With the United States once again in the lead, the U.N. General Assembly voted 158 to 3, with 5 abstentions, to endorse the so-called CTBT, drafted by the U.N. Conference On Disarmament. Two weeks later, all the declared nuclear powers signed that treaty.

Soon this treaty will be submitted to the U.S. Senate for our advice and our consent to ratification. Much work is needed to educate this body and to assure us that the Comprehensive Test Ban Treaty will be effectively verifiable and will not undermine nuclear deterrence. But it is time to begin that effort, and I welcome the administration's commitment to do so.

The Comprehensive Test Ban Treaty will not enter into force for some time. This is because all nuclear-capable States must ratify this treaty before it can enter into force, at least during the next 3 years, and India has refused to do that—although I am given to understand that the President will be traveling there, to try to change that view on the part of the Indian Government.

Timely U.S. ratification is still needed, however, to prevent the CTBT from becoming a dead letter and to maintain the pressure on all states not to test a nuclear device. The 144 states that signed the CTBT are largely bound not to undermine it, even before it enters into force. But nonnuclear states will feel little obligation to ratify or obey a test ban if the powers with admitted nuclear weapons programs fail to ratify it themselves.

A comprehensive ban on nuclear testing is no minor matter. This is not your father's arms control agreement, Mr. President. You remember that old commercial—I know, the old automobile man that my father was—''this isn't your father's Oldsmobile.'' This is not your standard arms control agreement, merely codifying actions already planned by the two superpowers, which most of our arms control agreements were. This treaty will pinch, it will hurt; but the CTBT will pinch other countries far more than it pinches us, and the world will be a safer place for that.

There is always a risk, of course, that a State Party—a fancy foreign policy phrase for another country—will violate this test ban treaty rather than do without nuclear testing. Last month's so-called—it's amazing the phrases we use—''seismic event'' at or near the Russian nuclear test site of Novaya Zemlya is a timely reminder that arms control compliance can be assured only through effective verification.

Article 4 of the test ban treaty and the treaty's accompanying protocol do include, in fact, some very welcome verification provisions. An international monitoring system will combine seismic, radionuclide, hydroacoustic and infrasound monitoring. This monitoring system will provide States Parties with both raw and processed data, as well as with analyses of those data.

Article 4 requires prompt clarification by States Parties in ''any matter which may cause concern about possible noncompliance with the basic obligations of the treaty.''

In addition, the United States, if supported by 29 of the 50 other members of the Organization's Executive Council, will be able to force a truly extensive onsite inspection by the CTBT Organization's Technical Secretariat. We would be in a much stronger position to investigate last month's possible Russian explosion if the CTBT were in effect and Russia were required, as a consequence of that, to accept onsite inspections.

Verification of this treaty will not be cheap, and the United States will be expected to help other countries participate in seismic monitoring, in particular. We have provided such assistance for many years, for a simple reason: not out of our generosity and our charitable instinct, but because it is in our naked self-interest, it is in our national interest, both to monitor nuclear tests by other countries and to obtain timely and accurate data on earthquakes.

It is important to keep up this effort, whether we eventually ratify the CTBT or not, and I urge my colleagues, as an afterthought here, to support full funding of the international monitoring systems that I am talking about.

How will this treaty really pinch—I mentioned that at the outset—assuming that the verification provisions deter any violations? For the five countries with a history of nuclear testing, among which we are one, the CTBT will mean an end to that testing. We, and other declared nuclear powers, will need to use other means in order to ensure that our nuclear weapons are safe and are in working order, or to modify those weapons in any way.

Let me explain the meaning of that. Most people say, ''Why don't you have to worry about testing anymore? A nation like ours wouldn't want to test in any circumstance.'' To raise a legitimate point raised by others who don't support this treaty, however, in order to ensure that our nuclear arsenal is accurate and working and functioning, you occasionally have to test it, you occasionally have to know what you have. You can't just let it sit there and let the components of it sit there for 20, 30, 40, 50 years and not test it, and still have confidence in its deterrent capacity. That is the reason why even nations like ours that do not have any desire to increase their nuclear capacity, that want to reduce nuclear weapons, might still want to be able to test.

In our country, the Department of Energy plans to use tests that do not actually cause a nuclear explosion, known as subcritical experiments, as well as computer analyses and simulations to assure the safety, reliability, and effectiveness of U.S. nuclear weapons. Ground was broken just last month for a billion-dollar National Ignition Facility at the Lawrence Livermore National Laboratory in California to do some of that very work. One hoped-for side benefit is further progress toward controlled fusion, an important potential power source for the next century.

Many of my colleagues question whether this Stockpile Stewardship and Management Program, as it is referred to, will suffice in the absence of nuclear testing. The Energy Department, where the scientists and experts are, says ''yes,'' while opponents of arms control say ''no.''

I say nobody knows for sure. We can't guarantee that stockpile stewardship will work because this is a new scientific frontier. But the executive branch must take stockpile stewardship—that is, those tests other than actually exploding nuclear devices—seriously, and we must—we must—fund it appropriately, in my view. Senator DOMENICI has warned that the current funding plan is insufficient for that job. I hope and expect that the administration will take that concern to heart and not just blow smoke at it.

Mr. President, even if we were not going to sign a test ban treaty, it should be very much in America's interest for us not to test nuclear weapons if we have an alternative that can guarantee the safety, stability, security, and usability of our nuclear stockpile. So, for whatever the reasons, even unrelated to this treaty, it makes sense to follow the admonition of Senator DOMENICI and give the Energy Department the resources it needs to maximize the chances that the Stockpile Stewardship and Management Program will suffice in the absence of nuclear testing.

Stockpile stewardship, Mr. President, is an opportunity, however, not just a challenge. It is precisely this sort of high-technology activity at which the United States excels. Recent press stories on our improved earth-penetrating nuclear bomb make clear that the United States is capable of maintaining nuclear capabilities, even without nuclear testing, that other countries can only dream of. The truth is that we may well extend our nuclear advantage in a test-free world.

So let me be clear about this. I do not think we are seeking any greater advantage in nuclear weapons, over other countries in the world, but if we, in fact, move all the acknowledged nations and those we think have nuclear capacity and nuclear weapons to enter into this treaty, then there will be no more testing.

You hear opponents say, ''Well, that will put us at a competitive disadvantage in terms of our nuclear capacity.'' My argument would be if the verification is real, which it is in this treaty, we are potentially at a competitive advantage because we would be able to continue to develop and assure the capacity of our nuclear stockpiles and capabilities—thanks to our testing capacity, our ability to measure their utility absent an actual nuclear explosion.

So this is an argument that I know we will engage in, but I would just like to lay a marker down now. I think our security is enhanced and our capability can be enhanced with this treaty in place.

But we will not be so likely to develop a whole new generation of nuclear weapons, and that is important. Why? Because there is a deal here between the nuclear weapons ''haves'' and the nuclear weapons ''have-not'' states. For the vast majority of countries, those that have never tested nuclear weapons, the Comprehensive Test Ban Treaty will greatly impede any efforts on their part to develop nuclear weapons, but it will also reassure those countries that the nuclear powers will be much more limited in their development of still newer weapon designs.

Mr. President, think about it. If you are a developing country and you are late into the game of nuclear weapons, you are asked to say, ''OK, these other guys got theirs, we don't have ours yet, but let's make sure no one can test any more so that we, in fact, can never develop nuclear weapons.'' Well, you sit there and say, ''Wait a minute, the other guys have these things, they have these weapons and the only way they developed them is they tested them. Now you are telling us we can never test them, which is synonymous to saying we can never have them.''

OK, in order for them to give up that, because they then are locked into this inferior status in terms of nuclear capability, we have to give something to them. What they get in return for this is that, although we will maintain that capacity and be able to maintain it without testing, none of the nations of the world will be able to move to whole new generations of those nuclear weapons, which is some reassurance to a nation that knows the argument that I made to such countries and their leaders, which is, ''Look, you can never catch up, you can never get ahead of the curve; you may get nuclear weapons, but you're never going to get to the point in your lifetime or the lifetime of your children where you are going to be able to match the capacity of the nuclear powers. So isn't it better for us to freeze or to builddown, in effect, to use an expression that Bill Cohen used to push years ago during the arms control debates of the late seventies and early eighties?''

How will this test ban impede other countries' nuclear weapons programs? We hope to maintain our nuclear weapons without further testing and nonnuclear powers might hope similarly to develop or obtain nuclear weapons without ever testing them. But developing a new weapon without testing is risky, especially for a country with no experience in nuclear weapons; after all, even the advanced nuclear powers have test failures.

Military leaders are hardly eager to go into battle with untested weapons, Mr. President. In fact, they get downright cranky about that, and once they start questioning the reliability of their weapons, they begin to think more about the dangers that come with war than about the glory of it all. The Comprehensive Test Ban Treaty thus may limit the progress that we and other nuclear powers can make in further developments of nuclear weapons, but its greatest benefit will be in nonproliferation by foreclosing nuclear weapons from many countries and making it difficult for new entrants even to approach the sophistication of our existing nuclear weapons.

The power of the CTBT as a nonproliferation tool explains why Pakistan was unwilling to sign the CTBT if it could enter into force without India's ratification. If their nuclear weapons program is going to be hobbled, they want India to be hobbled as well. And the CTBT's likely effectiveness is probably also a real reason why India has been unwilling to sign the treaty at all. Both of those countries have rudimentary nuclear weapons capabilities, but they know that a ban on testing, which may eventually come into force despite India's objections, will severely hamper their ability to develop those devices into a stable of weapons that they can count on in a real war.

Just as India and Pakistan appreciate CTBT's power to hamper the development of nuclear weapons, so should we. We rightly value the stability that mutual deterrence has brought us over the last 50 years. That is why we want reassurance that ''stockpile stewardship'' will be adequately funded and that the experts expect it to succeed.

But the gravest threat to security of our Nation, Mr. President, may not be from Russian or Chinese missiles, but rather from nuclear weapons in the hands of others—Iraq, Iran, Libya, or North Korea, just to name a few, or even terrorist groups that a rogue state might befriend.

The biggest risk of nuclear weapons actually being used may not be against us, against Russia or even against Taiwan, but rather by India and Pakistan against innocent civilians in the teeming cities which are within range of each country's bombers or shorter range missiles.

With U.S. leadership in ratifying this treaty, the CTBT will gain near unanimous international support and keep pressure on India and any like-minded countries to ratify it—or at least to refrain from testing. A comprehensive test ban, once in force, will reduce substantially the threats of regional nuclear wars or terrorist acquisition of nuclear weapons. And that is reason enough, Mr. President, in my view, to support ratification.

But, Mr. President, as I have said, serious observers are sincerely divided over whether the United States will be able to maintain nuclear deterrence without nuclear testing. Achieving the Senate's advice and consent to ratification depends, therefore, in my opinion, upon careful and intensive education both of the public and of this body, myself included. It is time for the administration to begin the sustained effort that will be required to assure that 67 U.S. Senators will feel that this CTBT is in our national interest.

The world in which we live today, Mr. President, is, as I said before, not your father's cold war. But there has been no end of history as has been prophesied. Neither will there be any end of arms control. Already this year the Senate has acted on the Chemical Weapons Convention and the ''Flank Document'' to the Treaty on Conventional Forces in Europe, referred to as CFE. Measures awaiting Senate action include: the Convention on Nuclear Safety; protocols to the Convention on Conventional Weapons on undetectable landmines, blinding lasers, and incendiaries; and two treaties to establish nuclear-free zones.

Over the next 2 years, the executive branch will likely submit to the Senate a START III treaty, an extension of the START II weapons destruction deadlines, an amendment or protocol making START I a permanent treaty, a CFE adaptation agreement, a succession memorandum and demarcation agreement regarding the ABM treaty, a new safeguards protocol between the United States and the International Atomic Energy Agency, a nuclear liability convention, a nuclear waste convention, and a verification protocol to the Biological Weapons Convention.

Given that lengthy agenda, Mr. President, I am not in a position to say that the CTBT must be taken up as the next item for the Senate's attention. Indeed, I hope we will approve some of these less controversial measures—such as the Convention on Nuclear Safety, the protocols to the Convention on Conventional Weapons, and a new safeguards protocol with the International Atomic Energy Agency—before we bring this issue to the floor.

But that need not stop the administration from submitting this treaty and beginning the work of educating us as to its merits. Chairman HELMS and I have shown that the Foreign Relations Committee can get things done, and I am confident that we will secure agreement on many more issues, hard ones as well as the easier ones.

The time has come, Mr. President, to move ahead on the Comprehensive Test Ban Treaty, as well as other arms control initiatives and NATO enlargement. The end of the cold war has made all these both possible and—I would emphasize—also necessary. This is an ambitious agenda for the Senate in the field of foreign relations, and the issues will be difficult.

But we represent the citizens of the world's greatest country. Or, the best phrase I have heard in my 25 years here to describe us is President Clinton's phrase. He said, we are the ''essential nation.'' We are the ''essential nation.'' We represent the citizens of the essential nation. We are charged with the

historic task of making the world a safer place for coming generations—not through war, but through fashioning of durable agreements and institutions. We must not—and I am sure we will not—flinch at that challenge.

This is a rare opportunity that you and I have, to serve at a time when we are setting down a whole new institutional framework for the conduct of world affairs. It has not happened in 50 years; it is happening now. I pray we are as wise as our fathers and grandfathers and grandmothers and mothers were when they did the job at the end of World War II.

I thank the Chair for its indulgence and for listening to me. I appreciate it very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, we are, for the information of our colleagues, in a position soon to vote on three pending amendments, and I think a fourth amendment which will be offered by the distinguished Democratic leader, Senator DASCHLE. And we expect to proceed soon to the amendment to be offered by Senator DASCHLE. And as soon as that is done, we will be proceeding to rollcall votes on four amendments. The time should not be too extensive. I just give notice to my colleagues that that will be occurring in relatively short order.

Then following the votes we will proceed to debate on the Gorton amendment, and that will leave then two principal outstanding issues—the issue of school testing, where the parties have been negotiating and may be in a position to give us a final answer soon whether they could come to agreement or whether we will have to move ahead with Senate debate on that, and the issue with respect to the pending Nickles amendment. We will see what will happen on that, if we are in a position to move ahead there. I am not sure exactly what will occur there.

Mr. President, I have just been advised that Senator DASCHLE is engaged in a meeting that he cannot leave at the moment. So we will have to defer action on his amendment.

On behalf of the leader, I have been asked by staff, at the request of the majority leader, to propound this unanimous consent request. I ask unanimous consent that at the hour of 5 o'clock today, the Senate proceed to a vote on or in relation to the Murray amendment, No. 1118; to be followed by a vote on or in relation to the Wellstone amendment, No. 1087; to be followed by a vote on the Coverdell amendment, No. 1098. And I further ask unanimous consent that there be 2 minutes of debate equally divided prior to each vote. I ask, finally, unanimous consent that no amendments be in order to any of the previous amendments prior to the vote, and that the first vote be with the customary 20 minutes, and that each additional vote be—the first vote be 15 minutes, but we have the automatic extension of 5 minutes, and each subsequent vote be limited to 10 minutes, with the extension of 5 minutes, so they can expedite the vote process.

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

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 121 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. SPECTER. Seeing the hour of 5 o'clock having arrived, I yield the floor.

AMENDMENT NO. 1118

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Murray amendment.

Mr. SPECTER. I am advised, Mr. President, that Senator MURRAY is on her way. We do not want to use up her 2 minutes. She is on her way.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

There will now be 2 minutes of debate equally divided on the Murray amendment.

Mrs. MURRAY. Mr. President, this body is about to go to a vote that is not one that is unknown to this Senate. It is regarding the welfare bill that was passed a year or so ago, an amendment that we offered at that time that was unanimously approved by this body and sent to the conference committee that merely allows a woman who is a victim of domestic violence a temporary waiver from the work requirements if she needs to get medical care or she needs to change her Social Security number so that she is not pursued by her abuser, or to put her children in a safe place so she is not worried about them and can work without being concerned about what happens to her children while she is at work.

It is a temporary waiver. It has been passed by the Senate three times. Not one Senator has spoken against it. Not one Senator has voted against it. But every time it goes behind closed doors in a conference committee it is pulled out.

That is what happens to abused women constantly. In the light of day, everyone is there to say, ''I support you,'' but when they go behind closed doors they are abused.

I call on the Senate to vote with a strong voice to the members of the conference committee. We want this amendment to remain in so women across this country, children across this country, communities across this country, and police who are required to come to the scenes of domestic violence incidents are safe once again.

I yield my remaining time to Senator WELLSTONE, who has been helpful in this debate and has been very good at working through this.

The PRESIDING OFFICER. The time of the Senator has expired so the Senator must seek unanimous consent.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds.

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

Mr. WELLSTONE. I am very pleased to have worked on this with Senator MURRAY going way back when. I think it is extremely important for the protection of many women and many children in all of our States. Our States are looking for clear direction from the Congress, from the White House, and from Health and Human Services.

This amendment is very important. I hope we will have a resounding, strong vote.

The Murray-Wellstone amendment is an amendment I think the Senate will be proud to support.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1118 of the Senator from Washington, Senator MURRAY.

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 New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—98

Abraham	Daschle	Inhofe
Akaka	DeWine	Inouye
Allard	Dodd	Jeffords
Ashcroft	Domenici	Johnson
Baucus	Dorgan	Kempthorne
Bennett	Durbin	Kennedy
Biden	Enzi	Kerrey
Bond	Faircloth	Kerry
Boxer	Feingold	Kohl
Breaux	Feinstein	Kyl
Brownback	Ford	Landrieu
Bryan	Frist	Lautenberg
Bumpers	Glenn	Leahy
Burns	Gorton	Levin
Byrd	Graham	Lieberman
Campbell	Gramm	Lott
Chafee	Grams	Lugar
Cleland	Grassley	Mack
Coats	Gregg	McCain
Cochran	Hagel	McConnell
Collins	Harkin	Mikulski
Conrad	Hatch	Moseley-Braun
Coverdell	Hollings	Moynihan
Craig	Hutchinson	Murkowski
D'Amato	Hutchison	Murray

Nickles	Sarbanes	Thomas
Reed	Sessions	Thompson
Reid	Shelby	Thurmond
Robb	Smith (NH)	Torricelli
Roberts	Smith (OR)	Warner
Rockefeller	Snowe	Wellstone
Roth	Specter	Wyden
Santorum	Stevens	

NAYS—1

Helms

NOT VOTING—1

Bingaman

The amendment (No. 1118) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, by way of scheduling, to inform Senators as to what we anticipate, as previously ordered, we have two more votes. We then intend to go to the amendment by the distinguished Democratic leader. And then we intend to go to an amendment by Senator GORTON. It is our hope that we will vote on those two amendments this evening, not too late. That will leave us with only two major matters remaining—the issue of testing, where we may be able to have an agreement, and the Nickles amendment.

The majority leader earlier said we would like to go to final passage tomorrow morning at 9:30, if we can clear those matters and after we have these two votes, and perhaps two more votes, so that we will conclude the rollcall votes not too late. And if there is any argument on the remaining matters, we will try to vote on them tomorrow morning at 9:30 and go to final passage at that time.

I thank the Chair.

AMENDMENT NO. 1087

The PRESIDING OFFICER. There will be 2 minutes, equally divided, on the Wellstone amendment No. 1087.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank both managers of the bill for their fine work on Head Start. But I think we can do better. If we reach the goal the President set forth, and we say that we are for really serving 1 million children, then the Head Start Association says we need an additional $535 million to do that. That would be 1 million children. I might add that if we are talking about the early years, 1 million children is but a tiny percentage of the children that could be served by this program.

So I think we could do better. This just says let's get it up to what the Head Start Association says they need to make sure that we cover the 1 million children that we say we are committed to covering. This $535 million would come from the Pentagon budget. There is plenty of waste in that budget that we can talk about.

I hope that this amendment will get a good strong vote.

MOTION TO WAIVE BUDGET ACT

Mr. WELLSTONE. Mr. President, I also move to waive the Budget Act. 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. There is 1 minute in opposition to the amendment of the Senator from Minnesota.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, fellow Senators, I made a point of order because the Wellstone amendment seeks to add $535 million to the Head Start Program. We have already added $325 million in agreement with the President of the United States. This is a priority item. We filled every priority the President sought. And we have increased it by a total of $325 million. That is one point.

Second, Senator WELLSTONE would like to take the wall that separates defense and domestic, and he would say the appropriators can appropriate $535 million less in defense by virtue of this amendment, which essentially takes the wall and spends $535 million of defense money for Head Start, which we have already fully funded as requested by the President.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to the Wellstone amendment No. 1087. 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 New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The yeas and nays resulted—yeas 27, nays 72, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—27

Akaka	Johnson	Moynihan
Boxer	Kennedy	Murray
Bryan	Kerry	Reed
Bumpers	Kohl	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sarbanes
Harkin	Levin	Specter
Hollings	Mikulski	Wellstone
Jeffords	Moseley-Braun	Wyden

NAYS—72

Abraham	Domenici	Landrieu
Allard	Dorgan	Lieberman
Ashcroft	Enzi	Lott
Baucus	Faircloth	Lugar
Bennett	Feinstein	Mack
Biden	Ford	McCain
Bond	Frist	McConnell
Breaux	Glenn	Murkowski
Brownback	Gorton	Nickles
Burns	Graham	Robb
Byrd	Gramm	Roberts
Campbell	Grams	Roth
Chafee	Grassley	Santorum
Cleland	Gregg	Sessions
Coats	Hagel	Shelby
Cochran	Hatch	Smith (NH)
Collins	Helms	Smith (OR)
Conrad	Hutchinson	Snowe
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Inouye	Thompson
Daschle	Kempthorne	Thurmond
DeWine	Kerrey	Torricelli
Dodd	Kyl	Warner

NOT VOTING—1

Bingaman

The PRESIDING OFFICER. On this vote the yeas are 27, the nays are 72. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment fails.

CHANGE OF VOTE

Ms. SNOWE. On rollcall vote No. 229 I voted yea. It was my intention to vote no. Therefore, I ask unanimous consent I be permitted to change my vote. This will in no way change the outcome of that vote.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1098

The PRESIDING OFFICER. There will now be 2 minutes of debate under the previous order equally divided in relation to the Coverdell amendment No. 1098.

Who yields time?

Mr. COVERDELL. Mr. President, I yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senate is not in order. The Chair requests the Senate to please come to order so the Senator from Arizona may be recognized.

Mr. MCCAIN. Is the regular order the proponent or the opponent of the amendment?

The PRESIDING OFFICER. Each side has 1 minute.

Mr. COVERDELL. Mr. President, the amendment upon which we are about to vote—incidentally, I ask unanimous consent Senator SANTORUM be added as a cosponsor.

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

The Senate will please come to order so the Senator from Georgia may be recognized.

Mr. COVERDELL. Mr. President, this amendment is endorsed by the American Meat Institute, the National Pathological Association and the National Cattlemen's Association. It deals with E. coli, it deals with research, it deals with education, and it deals with health.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment if carefully read directs ''the Secretary shall.'' It also directs ''the Secretary shall provide'' funding to detect and prevent colonization in live cattle, which is to only take place in Atlanta, GA. That is the place where this amendment is intended to apply. It flies in the face of everything I have stood for, and I have committed to demand recorded votes on what I believe are earmarked pork barrel projects.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I take some exception to the remarks of the Senator from Arizona.

The PRESIDING OFFICER. The Senate is not in order. the Senator from Georgia will withhold until the Senate comes to order. There is only 40 seconds remaining on each side.

Mr. COVERDELL. Mr. President, I rest my case.

The PRESIDING OFFICER. The Senator from Georgia has concluded. Does the Senator from Arizona have any further debate?

Mr. MCCAIN. Mr. President, I have no additional remarks.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1098, an amendment in the second degree to amendment No. 1097. The yeas and nays have been ordered. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Abraham	Feingold	McConnell
Akaka	Feinstein	Mikulski
Allard	Ford	Moseley-Braun
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lott	Wyden
Enzi	Lugar	
Faircloth	Mack	

NAYS—8

Ashcroft	Gramm	Kyl
Bryan	Grams	McCain
Glenn	Jeffords	

NOT VOTING—1

Bingaman

The amendment (No. 1098) was agreed to.

Mr. COVERDELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1097, AS AMENDED

The PRESIDING OFFICER. Without objection, the underlying amendment, as amended, is agreed to.

The amendment (No. 1097), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

EXPLANATION OF ABSENCE

Mr. AKAKA. Madam President, I was absent on the recent vote on the motion to table the Sessions amendment. Had I been present, I would have voted aye to table the Sessions second-degree amendment No. 1125. My vote would not have changed the outcome of the vote. This morning I was issued a new legislative pager to announce rollcall votes. Unfortunately, the pager was not properly programmed and did not function when the vote was called.

I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I think we are making some good progress now. Those three votes move us much closer to being able to get to final passage.

I see the manager of the bill is here. I have been talking to the Democratic leader and I need to converse a few moments more with the manager of the bill. We are hoping maybe we can take up another amendment and get a vote in a relatively short period of time, and then after that we are working on getting some time agreement on a couple of issues. Depending on how much time is needed, then we would probably—if it is going to be a lengthy period of time, we would probably have those votes in the morning, at 9:30, one or two of them, as we come in. But we are still working through how much time is needed for debate and the time agreements. As soon as we get that all worked out we will notify the Members.

It is our plan now, I think it is safe to say, that the next major amendment we would like to take up is Senator DASCHLE's amendment and have a vote. I assume that would not take too long. At that point we hope to be able to give the Members an idea about what the remainder of the night would be and what would be the votes, if any, tonight or the first votes in the morning.

I believe we have a 20-minute time agreement on the amendment of Senator DASCHLE.

Before we begin on that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1116, AS MODIFIED

Mr. DASCHLE. I have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1116, as modified.

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

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

Mr. DASCHLE. Madam President, I want to commend Senators SPECTER and HARKIN for the commitment they have made to educational funding levels that are represented in this bill. They certainly have demonstrated, I think, the extraordinary need for investment in education in ways that we have not seen in recent years. I am very grateful for their leadership and their responsiveness to many of these issues. The overall funding level for education is now well over the level requested by the President.

There still is some unfinished business that needs to be addressed, and this amendment addresses two very significant concerns. I am introducing, with Senator KENNEDY, this sense-of-the-Senate amendment to draw attention to two places where, in our view, more action is needed to fulfill the budget agreement agreed to earlier this year.

This amendment will call on Congress in the form of a sense-of-the-Senate resolution to authorize and increase Pell grant funding to support both independent and dependent students and, second, to fund a child literacy initiative at $260 million for this fiscal year.

I don't think there is much disagreement that Pell grants are an indispensable source of college aid for low- and middle-income students, but the current eligibility rule shortchanges too many students today. The current needs analysis system expects independent students, those whose eligibility is not linked to their parents' income, with incomes of $10,000 or higher to make such a large contribution that they receive little or virtually no help at all from the Pell Grant Program today.

Furthermore, many of these students will not be helped by the tax credits enacted earlier this year. So the rules need to be changed so that students with low incomes can get help if they need it, students that don't have families, students that are working, students that have a marginal level of income that put them right in the middle between those eligibility criteria that would favorably affect them at the low end and those eligibility criteria having to do with tax credits at the high end.

Similarly, the current rules governing the Pell Grant Program are discouraging dependent students, those whose parents' income are considered in determining eligibility, from getting part-time work. Students who have low incomes and who try to help out with their college expenses should still be eligible for some level of assistance.

The President has proposed that we modify the rules to ensure that more of the students in these circumstances have the opportunity to qualify for

Pell grants. As many as 250,000 students will be helped if the President's proposal is enacted as he proposed it. These are young people who are just getting started in life who want an education, but now their Government is denying them assistance. That simply isn't right, and we should resolve to fix it.

So I hope this amendment will send a message to the authorizing committee and the conferees to this bill that we think this provision is important and worth reconsideration. I hope that we will closely consider the issues facing these students and act on it in this bill, and in a more substantive way in other legislation as it presents itself to the Senate.

The second part of the amendment addresses a vital issue for the country, and that is literacy. We have an undeniable problem in this country. Forty percent of the Nation's fourth-grade children cannot read today at the basic level. Low achievement in reading is a national crisis, and it demands immediate attention. Children are at higher risk of falling behind in school and eventually dropping out because of it. It is important not only to these children, but for the future of this country that we address this problem head on. We can't afford to leave any child behind as we head into the next century. That is why we have to provide the full amount, the $260 million agreed to in the budget, and live up to our commitment if, to address this critical issue of child literacy. We must show that we are willing to respond to what we have said is our commitment this year.

We are falling short in that regard and this is our only opportunity to revisit the question and really ask ourselves if, indeed, we are facing up to this challenge, to this crisis, if, indeed, we want to see literacy to be a higher priority as we consider education. What will we do to address it budgetarily? We can only hope that we live up to the budget agreement we passed just a month ago.

So I hope that, on an overwhelming basis, we can support this amendment and send the message both on literacy, as well as on assisting those independent college students that we are going to live up to our words and our expectations with regard to the budget and the commitment we have made to them to give them the kind of education they deserve and need in society today.

I am asking for a rollcall vote simply because I think it is imperative that we be forceful and as certain about this issue and demonstrate the broad bipartisan commitment about these issues that I believe exists within the Chamber tonight.

So, Madam President, with that, I reserve the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I strongly support Senator DASCHLE's sense-of-the-Senate amendment and its two key provisions—that Pell grants should be funded at a total of $7.6 billion, and that a child literacy initiative should be funded at $260 million in the 1998 fiscal year.

I also congratulate Senator SPECTER and Senator HARKIN for their leadership in making education a priority in the bill. Education is a national priority and we need to do all we can to make sure that education is accessible and affordable for all Americans of all ages and all income levels. This amount is a significant step toward achieving that goal.

Pell grants are an indispensable source of college aid for low- and middle-income students. But too often, the current eligibility rules shortchange too many students.

Single, independent students at public 4-year institutions are not eligible for a Pell grant if their annual income is over $10,000. At that low-income level, many of them will not benefit from the tax credit for college expenses recently enacted in the budget law. So fair eligibility standards for Pell grants are especially important for these students.

A similar problem faces parents trying to pay for college for their children. Current law penalizes college students who work part time to help pay the cost of their education, by reducing their eligibility for Pell grants. We should be encouraging students to work, not take out additional loans, so that they do not graduate under a mountain of debt.

The budget agreement contained a clear commitment to allocate $700 million to improve the needs analysis formula for Pell grants. The House bill provides only $500 million to meet this commitment, and the Senate bill contains no funds at all for this needed change. A strong, bipartisan vote in favor of the Daschle amendment is our best hope of achieving the reform we need in the conference because the House of Representatives, with their figures, have some disposable resources that will be available. A strong vote in the Senate will be a clear indication of a strong, bipartisan effort to channel those funds into this needed area.

The second provision of the amendment reiterates the budget agreement's promise to provide $260 million for a child literacy initiative this year. The Senate should be strongly committed to seeing that legislation authorizing the initiative is enacted as soon as possible.

Forty percent of the Nation's fourth grade children cannot read at the basic level. Low achievement in reading is a national crisis, and it demands immediate attention. President Clinton is right to focus on this critical problem, and Congress should respond. It makes no sense to delay the appropriation.

Both of these items have been considered over a considerable period of time in the discussion on the budget resolution and, basically, we are conforming this appropriation bill to what was agreed on in the budget resolution by Republicans and Democrats. We believe that there is a very, very important reason and justification in prioritizing these funds, in these two very particular areas, when this legislation goes to conference.

So I urge my colleagues to support the amendment. I hope we will have an overwhelming vote of approval to insist that the conferees find a way to pay for these two essential reforms in education. It will be a clear indication that education, and particularly for the independent students and also in the area of reading, have the wholehearted support of the Senate, and it will be a clear instruction that those functions should be given the priorities that I think all of us in this body and the American people think they should receive.

Mr. KYL. Mr. President, I rise in support of the Daschle amendment expressing the sense of the Senate in support of Pell grants. I would say to my colleagues, however, that I think we have already achieved what is intended here when the Senate considered my amendment last week.

Even though my amendment to increase Pell grant funding was not adopted, the Senator from Pennsylvania, the distinguished chairman of the Labor-HHS appropriations subcommittee, assured the Senate that, to the extent the committee could yield to the Pell grant number in my amendment and the House bill—a figure that was $528 million higher than in the Senate's Labor-HHS bill—Senate conferees would do so.

Let me read back Chairman SPECTER's remarks from the RECORD:

> I might say to my colleague from Arizona that with the additional arguments he has advanced today in a very cogent way, to the extent we can yield to the House figure, we will try to do so when we get to conference.

Mr. President, in many ways, the vote on the Daschle amendment should be an easy vote for Members of the Senate. It expresses support for the very important Pell Grant Program, but does not say where the increased funding will come from. It is not binding on the Senate.

By contrast, it was my amendment last week that expressed more than non-binding support. It would have provided the actual dollars to extend Pell grant eligibility to additional categories of needy students, including independent students without dependents.

I am sure it is not the minority leader's intent to merely add the cost of that expansion to the budget deficit—to the debt that our children and grandchildren will ultimately have to repay. But if education is as high a priority as we all believe it is, we ought to be willing to put funding for Pell grants ahead of other programs. That is what I attempted to do last week

with my amendment to fund Pell grants with offsets from the LIHEAP Program.

I can understand that some people did not agree that LIHEAP should be cut. Those who believed LIHEAP was a higher priority than education and Pell grants voted against my amendment. But then why not identify some alternative source of funding?

Mr. President, I have a letter from the chairman and ranking member of the authorizing committee—a letter that was sent to Chairman SPECTER and Senator HARKIN—pledging that, if the additional Pell grant money were provided, the Labor and Human Resources Committee would work to authorize the increase in assistance for independent students. I ask unanimous consent that the text of the letter be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, July 21, 1997.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Labor, Health and Human Services and Education.
Hon. TOM HARKIN,
Ranking Member, Subcommittee on Labor, Health and Human Services and Education.

DEAR ARLEN AND TOM: We are writing to express our strong support for increased funding for the Pell Grant Program. Increasing the maximum Pell Grant to $3,000 should be the top funding priority for all of the higher education programs. It is also very important to increase assistance for certain categories of independent and dependent students participating in the Pell Grant Program.

The 1992 amendments to the Higher Education Act established a new Federal Needs Analysis Methodology to be used for the Pell Grant Program. The new methodology resulted from the integration of two existing formulas. In reconciling the differences, Congress attempted to minimize the impact on the current distribution of Pell Grant recipients and award amounts.

Unfortunately, single, independent students without dependents and dependent students with earnings have been hurt by the new formula. We believe some modest changes to the needs analysis formula would significantly improve the Pell Grant Program. Specifically, the income protection allowance provided for these two groups of students needs to be increased. The income protection allowance for single, independent students without dependents is too low to reflect actual living expreses. With regard to dependent students, we believe an increase in the income protection allowance will provide an incentive for students to work, rather than borrow to finance their education.

Concerns about the eligibility for these two groups of students for Pell Grant awards have been raised both at Higher Education reauthorization hearings as well as through letters from students across the country. At many campuses, the average age of the student population is over twenty-five. These students are studying to improve their skills for the job market or are starting in new fields as a result of business closures and downsizing. Pell Grant assistance is often vital to their ability to pursue a new career.

The current House Appropriations Subcommittee mark for independent students is about $500 million, subject to authorization. The amounts provided for the Pell Grant program by the House fall below the levels included in the bi-partisan budget agreement. We urge that the Senate subcommittee provide the full amount of approximately $700 million so that needs analysis adjustments for independent students without dependents and for dependent student with earnings can be made. We are aware that there are difficult decisions to be made, and addressing these needs should not be done at the expense of an increase in the Pell Grant maximum or other education programs.

We believe that we need to continue our investment in education at all levels in order to strengthen our economic and technological competitiveness. Our support for students today through the increase in the income protection allowance for independent students without dependents and for dependent students with earnings will lead to a stronger economy and a better future for the country.

If this request for funding is granted, we will work to ensure that our Committee makes the necessary changes to authorize this increase in assistance for these students. Thank you for your consideration.

Sincerely,

JAMES M. JEFFORDS,
Chairman,
Committee on Labor and Human Resources.
EDWARD M. KENNEDY,
Ranking Member,
Committee on Labor and Human Resources.

Mr. KYL. As I noted before, Chairman SPECTER has already indicated that he will move toward the higher numbers for Pell grants in conference. And the Labor Committee has indicated that it will act on the necessary authorization. So I think we have already accomplished what is intended here in the Daschle amendment. Nevertheless, since this represents another opportunity to express support for Pell grants, I will support it. However, I do hope that the conference committee will offset the increase from savings in other programs, and not just add the cost to the deficit.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Madam President, if there is no other Senator seeking to debate the matter, I suggest we yield back all remaining time, and I ask for the vote.

Mr. LOTT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Without objection, all time is yielded back. The question is on agreeing to amendment No. 1116, as modified. 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 New Mexico [Mr. BINGAMAN] is necessarily absent.

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—96

Abraham	Ashcroft	Biden
Akaka	Baucus	Bond
Allard	Bennett	Boxer
Breaux	Graham	McConnell
Brownback	Gramm	Mikulski
Bryan	Grams	Moseley-Braun
Bumpers	Grassley	Moynihan
Burns	Gregg	Murkowski
Byrd	Hagel	Murray
Campbell	Harkin	Nickles
Chafee	Hatch	Reed
Cleland	Hollings	Reid
Coats	Hutchinson	Robb
Cochran	Hutchison	Roberts
Collins	Inouye	Rockefeller
Conrad	Jeffords	Roth
Coverdell	Johnson	Santorum
Craig	Kempthorne	Sarbanes
D'Amato	Kennedy	Sessions
Daschle	Kerrey	Shelby
DeWine	Kerry	Smith (NH)
Dodd	Kohl	Smith (OR)
Domenici	Kyl	Snowe
Dorgan	Landrieu	Specter
Durbin	Lautenberg	Stevens
Enzi	Leahy	Thomas
Feingold	Levin	Thompson
Feinstein	Lieberman	Thurmond
Ford	Lott	Torricelli
Frist	Lugar	Warner
Glenn	Mack	Wellstone
Gorton	McCain	Wyden

NAYS—3

Faircloth	Helms	Inhofe

NOT VOTING—1

Bingaman

The amendment (No. 1116), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. GORTON. Madam President, the majority leader and the minority are working on a unanimous-consent agreement for the order to proceed with several more amendments tonight. Amendment No. 1122, of which I am the primary sponsor, will be the first of those amendments, and I am authorized to ask we call up amendment No. 1122 and begin the debate. It will be interrupted by the majority leader when he is prepared to offer a unanimous-consent agreement.

AMENDMENT NO. 1122, AS MODIFIED

Mr. GORTON. I ask unanimous consent amendment No. 1122 be placed before the Senate.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

AMENDMENT NO. 1122, AS FURTHER MODIFIED

Mr. GORTON. Madam President, I am sending a modified amendment to the desk, and I ask unanimous consent it be considered in place of the amendment that is before the Senate now.

Mr. JEFFORDS. Reserving the right to object, I wonder if the Senator would be so good as to explain what the modifications are.

Mr. GORTON. Yes. This amendment changes the one we talked about yesterday only in that it has the distribution of the amount of money going to title I based on the total number of eligible title I students in each district rather than the total of all students in each district.

Mr. JEFFORDS. I withdraw my objection.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1122), as further modified, is as follows:

On page 85, after line 23, insert the following:

SEC. ___. (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965;

(J) to carry out part K of the Elementary and Secondary Education Act of 1965;

(K) to carry out subpart 5 of part A of title IV of the Higher Education Act of 1965; or

(L) to carry out title I of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings ''Rehabilitation Services and Disability Research'' and ''Vocational and Adult Education''.

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under subsection (a) as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(4) Notwithstanding paragraph (3), the Secretary shall compute the amount awarded to each local educational agency serving the State of Alaska or Hawaii by multiplying the base line amount determined under paragraph (2) for the local educational agency by a factor of 1.00.

(e) If the total amount of funds described in subsection (b) that are made available to carry out subsection (a) is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under subsection (a), then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g)(1) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(2) Each local educational agency shall receive an amount awarded under this subsection that bears the same relation to the total amount of funds made available under this Act to carry out title I of the Elementary and Secondary Education Act of 1965 for fiscal year 1998 as the number of children counted under section 1124(c) of such Act for the local educational agency for fiscal year 1997 bears to the total number of students so counted for all local educational agencies for fiscal year 1997.

(h) In this section—

(1) the term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term ''Secretary'' means the Secretary of Education; and

(3) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Mr. GORTON. Madam President, I spoke to this amendment at length on two occasions and intend to do so again tonight, but as a matter of deference to my many friends on this side who want to speak on the amendment and to many of those on the other side who wish to do so and to go on to other business, I will reserve my principal argument until the end.

Suffice it to say this is an amendment designed to see to it that the individual school districts in the United States be permitted to spend the great bulk of the money that we appropriate, in this case somewhat over $11 million, as they see fit rather than with respect to hundreds and thousands of pages of detailed regulations that are the bane of almost every school district in the country.

The fundamental philosophical question is just this: Do we believe that individual school districts and parents and teachers know best how to handle education in their own communities, or do we believe those fundamental decisions are best left to bureaucrats here in Washington, DC? I believe the former. The opponents to this amendment believe the latter.

With that, I yield the floor to allow other Members who wish to speak to the amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Madam President, I am pleased to rise as one of the cosponsors of Senator GORTON's amendment. Many here, including the Presiding Officer, spent the last year campaigning, and, frankly, I made education one of the cornerstones of my campaign.

Everywhere I went there was frustration at the local level about Federal redtape, bureaucracy, burdens and costs that were imposed upon our common desire to educate our children. I said over and over again that I believed in local control. Now it is time to put to the truth what we said in how we will vote.

I am proud to cosponsor this with Senator GORTON because it does exactly what we ought to be doing.

Madam President, this amendment focuses the area of education on reform, returning the control of our education dollars back to where it belongs, at the local level. This amendment simply block grants the funds from the Department of Education for K through 12 and gives it to local schools.

As my colleague, Senator DOMENICI, stated, we keep adding regulations, adding programs, adding money. But when we get to the end of the equation, we end with a negative result and subtracting from education.

This amendment gives us the opportunity to give schools the flexibility to improve the quality of education at the local level, to improve the basic skills of reading, writing and arithmetic.

Madam President, this is an opportunity for us to do the right thing, not only by reducing the bureaucracy that exists in our school education system, but to provide our schools with the flexibility and the funding to achieve a higher standard.

I urge my colleagues to support this. I urge government at all levels, who care about education, to do so by showing, in an affirmative way, that our interest is in an educated child, our interest is not in adding to well-funded bureaucracies. I urge support of this amendment.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I have listened with considerable interest to the comments of my friend and colleague from Washington with regard to his amendment. I would like to make certain that I understand what he seeks to do.

I say to my friend from Washington, is the Senator from Kentucky correct that the Gorton amendment, with the exception of IDEA, I gather—or is that still excepted?

Mr. GORTON. With the exception of IDEA impact aid, and a few other smaller categoric aid programs.

Mr. McCONNELL. Would it essentially distribute the balance of Federal educational funds for elementary and secondary education to the school districts of America?

Mr. GORTON. It would.

Mr. McCONNELL. And would it be safe to say that, in all likelihood, the school districts of the Commonwealth of Kentucky would receive more Federal assistance under the amendment of the Senator from Washington than they currently receive?

Mr. GORTON. I cannot answer that question categorically. I can say that we have something over $11 billion in this appropriations bill, which would be distributed pursuant to this amendment. Because at the present time the administrative costs —the sand in the wheels—amounts to about 15 percent of all of the money that we as taxpayers send to Washington, DC, that goes to the Department of Education, before it gets back, the total distribution to the school districts of the United States will be more than a billion and a half dollars more than it is at the present time, which means—just in simple mathematics—that a great bulk of school districts will end up getting more money. Moreover, that 15 percent doesn't include the amount that the State superintendents of public schools take out of most of these categorical aid programs for their part of the administration at the present time, further enhancing the amount of money that will get to each individual school district.

Even having said that, I say to my friend from Kentucky, I believe the most important single element in this bill, from the point of view of having money spent on children's education, is the removal of the huge numbers of requirements to meet the qualifications for hundreds of different categorical aid programs, which now come out of even the money that gets to the school districts, who must hire all kinds of administrators to see to it that the money is spent in this federally determined, uniform category. One school district superintendent, reported to me by one of my friends, has said something that is consistent with what I hear from my own State: ''We get about 10 percent of all of the money we spend on schools from the Federal Government, but 60 percent of all of the forms we have to fill out, 60 percent of all the time we have to use, is spent accounting for that 10 percent.''

So it is hard for me to imagine a school district anywhere in the country that is going to have less money to spend on the education of its children under this amendment than it does at the present time, and the overwhelming majority of them will have far more.

Mr. McCONNELL. Further, I ask my friend from Washington, a State like Kentucky, which frequently is ranked among the lowest 10 States in variety of categories, including poverty, would a State like that under the distribution formula in the amendment of the Senator from Washington also be likely to gain additional assistance over and above what is anticipated would be saved by a reduction in administrative costs here in Washington?

Mr. GORTON. Yes. I am quite certain that Kentucky would—with the exception of the modification that we made with respect to title I, where the proportions will be identical next year to what they are in the present year. We have a slight poverty-based preference in this bill. We divide the 50 States —or the 48 States other than Alaska and Hawaii—into five categories, and the 10 richest States have their allocation multiplied by .9, the 10 poorest States by 1.1, and the States in between by 1.05, 1.0, or .95, respectively, so that the student in the poor State gets a greater degree of aid than the student in a rich State.

Mr. McCONNELL. I thank my friend from Washington.

Madam President, I think the explanation of the distinguished Senator from Washington makes it quite clear that support for his amendment would mean more money for the school districts of my State of Kentucky and substantially fewer regulations with which they would have to comply.

It seems to me, Madam President, as education moves into the position of No. 1 on the interest chart of the American people, it is our responsibility here at the Federal level to think of ways that we can further enhance American education and help those who are really doing the job, which are obviously the local school districts and the parents of our country.

So I commend the Senator from Washington for a superb amendment and indicate my enthusiastic support for the Gorton amendment. I urge my colleagues, when we finally have a vote, to resoundingly support a proposal that clearly will benefit the school districts and the children of America.

Madam President, few would dispute that one of the primary concerns of American families today is the quality of education that our children receive. I am sure that other Members of the Senate have heard from concerned parents as I have. They don't understand why instruction in the most basic skills has fallen to the wayside, and they fear that a rudderless education will leave their children adrift and unprepared for the future.

Nearly everyone involved in education today—parents, teachers, administrators, and legislators—wants to improve the quality of learning in America. But the quest for education reform will only be successful if the classrooms—the classrooms—have the money they need to implement change and follow-through on the academic programming our children need.

When the Senate approves funding for education, most of our constituents believe—and trust—that those moneys are going directly to their child's school. But, the numbers show that this is not the case. An examination reveals that out of $100 billion in Federal education support, local schools received only $13 billion. Let me repeat—$13 billion of $100 billion. Where is this money going? It's supporting paper-pushing and concept discussions in the Washington, DC education offices of adults while our children starve for learning aides and chalk at home.

Senator GORTON's amendment to S. 1061 seeks to help our children by actually providing their schools with the funds we assign to them. This amendment consolidates selected Federal education funds for kindergarten through 12th grade and sends the money directly to school districts. State and local education agencies can then use these additional funds to design and operate the quality education programs families are begging for. It does not change the administration of funds for special education, professional development for teachers, adult education, education research, the national writing project, impact aid, and other similar programs.

This amendment will not undermine education in America. It seeks to strengthen a teetering educational system by focusing our resources on the construction of a firm foundation—strong schools. I am confident that Kentucky communities can use these funds to better their future. Local educators must negotiate through a teeming swamp of administrative rules and regulations in order to meet the day-to-day needs of their students. They need flexibility to implement change and determine what works. The Gorton

amendment provides the first key step to stronger schools across America—funding children's education not layers of repetitive bureaucracy. I urge my colleagues to join me in support of the Gorton amendment and its promise to help our Nation's schools fulfill their commitment to our children and communities.

Mr. HAGEL. Madam President, I take the floor this afternoon to talk about an issue that we have debated in this body all week, an issue that is as important to our Nation as these young pages who sit among us today and the future of this country, as any issue that we debate.

The issue of education is the foundation of the future of our country. At a time when our schoolchildren—over 50 million—across America are returning to school, including my 6-year-old daughter, Allyn, who started first grade last week at Great Falls, VA, elementary school, it is appropriate that we talk about education not just in terms of amendments to the appropriations bill, but we talk about education in a way that is relevant to our young people and to our future. We will continue to debate education, as we should, because not only does every home in America show, as it has shown over the years, that education is the No. 1 issue on the minds of our citizens—and well it should be—but because we spend billions of dollars on education, K through 12 and beyond.

This morning's Washington Times had two very interesting articles, one talking about the American Federation of Teachers and President Sandra Feldman discussing why our young people are not being educated.

If I might, Madam President, allow me to read the first paragraph of a story that appeared in the Washington Times this morning.

The practice of promoting students to the next grade before they are ready is ''rampant across the country,'' according to American Federation of Teachers President Sandra Feldman.

It is a very lengthy article. Madam President, I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Times, Sept. 10, 1997]

SCHOOLS PROMOTE REGARDLESS OF MERIT—TEACHERS FEDERATION CALLS FOR STANDARDS

(By Carol Innerst)

The practice of promoting students to the next grade before they are ready is ''rampant across the country,'' American Federation of Teachers President Sandra Feldman said yesterday.

While no school district explicitly endorses social promotion, most have an ''implicit policy'' encouraging it because they place limits on holding students back, she said.

''That is a clear message to promote socially,'' Miss Feldman said at a newsmaker luncheon at the National Press Club, where the teachers federation released a national study on student promotion policies.

Citing examples, she noted that students in Orange County, Fla., can be held back only once in elementary school, and in New Orleans they can be retained only twice. Houston restricts retention to once in kindergarten through fourth grade and once in fifth through eighth. Other districts forbid holding back students with limited English or learning disabilities.

Simply holding students back isn't the answer either, she said. Many students are retained each year, and most do not receive the special help they need to catch up.

An estimated 15 to 19 percent of U.S. students are retained each year. In many large, urban districts, more than 50 percent of the students who enter kindergarten are likely to be retained at least once before they graduate or drop out.

The report, ''Passing on Failure: District Promotion Policies and Practices,'' examined promotion policies at 85 school districts, including the 40 largest districts nationwide.

Locally, the study looked at public schools in the District and Montgomery, Prince Georges, Anne Arundel and Fairfax counties.

D.C. policy is ''unclear as to who has the final authority for promotion decisions in all grades,'' the report says. It states that a student may be retained for a maximum of two years.

Prince Georges has no formal promotion policy. In Montgomery County, the principal has the final authority in promotion decisions in all grades, but there are limits on retention and for special education students.

Parents are the final authority on promotion decisions for elementary students in Anne Arundel County, the principal has the final say for junior high students and the policy is not clear at the high school level.

Fairfax County policy does not specify limitations on student retention. Promotion is based on grades for elementary and junior high students. The criteria is not clear for high school students.

Among the study's general findings:

- Some districts limit the number of times a student can be retained, prohibit retention in specific grades or set age limits to move older students along.
- Student progress often is judged according to vague and varying criteria, as in Nevada's Clark County schools where a promotion requires only that a student's ''progress should be continuous and student advancement through the curriculum should be according to the student's demonstrated ability.''
- Teachers play only an advisory role in promotion decisions.
- Only 15 percent of the districts mention tutoring, and 13 percent call for alternative programs and strategies such as transitional classes or extended instructional time for students who are held back. Half the policies mention summer school.

Solutions to the problem, according to Miss Feldman, involve creating rigorous grade-by-grade standards for students and ensuring that all elementary teachers are proficient in teaching reading, catching and helping struggling students early in their school careers.

''Without common standards, teachers' grades appear arbitrary—and therefore negotiable,'' she said. ''This undermines students' motiviation to work hard in school. Teachers who uphold high standards can find themselves under a lot of pressure to change grades or just pass kids on.''

Mr. HAGEL. Madam President, another story in the Washington Times this morning talks about the Governor of Minnesota, Arne Carlson, who was in town yesterday, it says:

. . . to spread the word on how he finally made school choice a reality in his State by finding an alternative to politically unpopular vouchers.

It goes on. I ask unanimous consent that this be printed in the RECORD.

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

[From the Washington Times, Sept. 10, 1997]

CARLSON SHARES SCHOOL-CHOICE SUCCESS STORY—MINNESOTA GOVERNOR LOST BATTLE FOR VOUCHERS BUT WON SUPPORT FOR TAX BREAKS

(By Nancy Roman and Carol Innerst)

Gov. Arne Carlson was in town to spread the word on how he finally made school choice a reality in his state by finding an alternative to politically unpopular vouchers.

Mr. Carlson said yesterday that vouchers—government education dollars that follow children to public or private schools—are the best route to school choice, but he stressed that tuition tax credits and deductions are achievable now.

At several gatherings, he told GOP policymakers and reporters how the Minnesota Legislature, controlled by Democrats, overwhelmingly defeated his voucher proposal in 1995, so he put together a $150 million package of tax incentives for Minnesota parents seeking alternatives to public schools.

''Vouchers were a lost battle, so we revamped, went to the tax side and put together a plan,'' Mr. Carlson said in a message he hopes will resonate with the public and policy-makers as Congress prepares to debate several school-choice measures.

The results in Minnesota was overwhelming support for Democrats, Republicans, rich, poor, blacks and whites for a dollar-for-dollar tax credit for families earning less than $33,500 and a tax deduction for educational expenses of up to $2,500 for families earning more than that.

Mr. Carlson said the trick was making sure to offer something for everyone, including suburban and rural voters and the parents of public school students.

The strategy confounded the teachers unions, which historically ''opposed virtually everything'' having to do with school choice, he said at a luncheon at the Heritage Foundation. ''A lot of people, including Democrats, got very tired of this 'no, no, no' position of the unions.''

The Minnesota plan, which goes into effect next year, allows a family to use the money for educational efforts ranging from a summer language program to a math tutor to the purchase of a home computer.

Technically, the education credit cannot be used to pay for private school tuition, but private schools can easily shift their accounting to use the credits for approved expenses such as books and transportation.

''It's a tantalizing strategy,'' said Jeanne Allen, the president of the Center for Education Reform, a clearinghouse on national choice issues. ''But each state has to figure out its own political realities.

''There's no correlation for the District. In places with no history of tax credits, it's a tough call. In many areas, there's a need for full tuition to follow children, and the District would be one.''

Paul Steidler, senior fellow at the Alexis de Tocqueville Institution, regretted that Mr. Carlson had to ''back off'' on vouchers but found the governor ''inspiring'' for his tenacity against Democratic lawmakers and the vast resources of the teachers unions.

Equally impressed, house majority Leader Dick Armey of Texas invited the governor to Washington this week to talk to fellow Republicans.

''All too often school vouchers can be thought of as a conservative notion,'' Mr.

Armey said. ''We are finding that the idea has great appeal across the political spectrum.''

Mr. Carlson said that after his defeat on vouchers he assigned two staff members to work full time on a plan offering educational choices to parents and having the political support to make it viable.

Tax breaks across the economic spectrum were the answer.

''The bulk of the public raised their eyebrows,'' Mr. Carlson said.

But as tests revealed that half the children in Minneapolis and St. Paul were dropping out, a third of the state's eight-graders failed a basic reading test and a fourth failed a math test, he said, the public realized something had to change.

Mr. HAGEL. Madam President, as we pick up newspapers daily across this country we don't talk of great success stories for the most part about our American education system. We talk about failures. That will be a self-fulfilling prophecy if we allow our newspapers to be consumed with what is wrong with our public educational system without focusing on not only what is right, because there are many things right with our system, but how we fix them. How do we make American education better? It is easy to criticize. But how do we make it better? It is not just money. We know that. Quite honestly, it is more important than money. There is not a parent in this country who doesn't understand that.

We need to look beyond the technicalities and the small details of the Gorton amendment, or any other amendment to the appropriations bill. We need, and we will continue, to debate a much bigger question that gets to our Nation's philosophy, our basic philosophy on education.

Who should control what our children learn and what our teachers teach? The Federal Government? I don't think so. No, I don't think so. That is not the role of the Federal Government. Our Founding Fathers gave us the answer very clearly. We need to look no further than article I and amendment 10 of the U.S. Constitution, which reserve the authority for education to the States, to the people—not to the Federal Government.

Education should be between parents, teachers, and local school boards—not the Department of Education, not the President, not the Congress, but the school boards, the teachers, the parents.

I am one Senator who wants to stop the flow of taxpayers' money, parents' money, coming to Washington, and it resides here, and all the smart people in Washington sort out for all the children of America—more than 50 million—what they should know and what teachers should teach. I want to stop that.

One, among many, reasons why I support the Gorton amendment is that I want to give the money back to the States, back to the people, back to the local school boards and the teachers. They can better spend it. They can reward teachers. They can improve our schools. They can help our students. Who understands it better than the people who are there? I trust the people. I trust our teachers. I trust our school boards. I don't trust Government. I don't trust Government to educate our young people. Who cares most about making sure that children get a good education? Who cares most? Well, of course, the parents care most, and the teachers care most.

All parents—all parents—should have the opportunity to choose where their children go to school. It shouldn't be just for rich people. The parents pay the bills. We seem to forget that dynamic in Washington. The taxpayers, the parents of the children, pay the bill for education; for everything. Why then do we take the opportunity away from the people who pay the bill from applying their money where they think their children can get the best education? That makes sense to me.

Another reason is that I support efforts by my colleague from Georgia, Senator PAUL COVERDELL, to allow parents to use money they have saved in educational savings accounts for K through 12 education. What in the world is wrong with that? Not only does logic dictate that that makes sense, but it seems to me that it is fundamental to America. Education standards should be set locally, not imposed by the Federal Government.

We need to motivate our children to learn. We need to motivate our children to learn, not just take tests. There has been some debate lately on national testing and school standards. We are confusing the issue here by shifting the emphasis from learning to testing. We have it backward. The emphasis should not be on testing; it should be on learning. The motivation should be learning and not testing. If we institute national testing, our teachers will teach to the test. Of course, they will. Who wants to be a teacher in a school with a low standard on national testing? So if you figure out what the test is and what the testing process is and what the questions are, then you teach to the test. That is wrong. That doesn't prepare our young people.

It is time that we stop making our teachers jump through the hoops that they have been jumping through with these senseless and burdensome paperwork responsibilities and free them up to do what they can do better than anybody, and that is teach our children. Let's help our teachers teach our children. It is a novel idea. Anyone who has talked to teachers in any State, in any town, or in any community has heard all the horror stories of amounts of time they spend on wasteful, unproductive paperwork. That is time that could be spent teaching our children. We need to prepare our children to compete in a global economy in the 21st century. Just preparing them to pass a test will do nothing to ensure they have the knowledge and the skills, the abilities, to compete in a very competitive new century.

For example, if we let students off the hook in math by letting them use calculators for the most basic of problems, they will never learn, they will never grasp the logic and discipline gained through exercising good mathematics skills.

There is nothing wrong with calculators, but let us start with the basics first. Everybody knows why we have trigonometry and geometry and the advanced mathematical courses. Very few will ever use that in their professions, but it is about discipline. It is about learning. It is about pain in your mind and using your brain. Any fool can pick up a calculator. That is not what education is about. That kind of thinking, that kind of training will be vital, if we do it right, throughout the lives of our young people for what they will need to succeed in a very competitive global economy.

Where I am from in Nebraska, we call that thinking. We call that thinking. If our young people cannot read and write, they do not know much about science and math and have limited knowledge of history, economics, and geography, what chance do they have to succeed in the next century? Very little.

Preparing our children for the next century is not the job of the Federal Government. My goodness, we have not been able to balance our budget for over 30 years. That is not our job. It is the job of parents and teachers and local school boards working together to ensure that all of our children have the very best education possible and ensuring that all of our children have an opportunity to attend the school of their choice.

That is what this is about. Our Founding Fathers knew very clearly what they were doing when they determined that education should be a local issue.

It is time we get back to the fundamental principles and basics that made this a great nation. We are a great nation today not because of our Government, not because of our systems, but because of our people. Our people have, through their wisdom, through their common sense, through their hard work, their discipline, made the right choices for over 200 years. And basic to all those choices has been how you educate your children. There will be much debate, as there should be, in this Chamber over the next few days, weeks, months, and years on our philosophy about education, but let us not forget where it all resides. It resides at the local level with the parents, with the teachers, with the schools.

I wish to go on record supporting the Gorton amendment. I wish to also go on record supporting the Coverdell bill and the philosophy of local control for education.

I thank the Chair and I yield the floor.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am very pleased to be able to join my colleague from the State of Washington this evening in support of and as a cosponsor of his amendment to allow resources, money, tax dollars to get to the young people of this country in a way that seems so easy and so simplistic and, yet, so right, because I suspect that the Presiding Officer, myself, and everyone on this floor believes in, and we are collectively supporters of, public education.

I happen to be a member of the Republican leadership, and I have worked hard over the last several years to make sure that education funding is one of our party's top priorities and that we, along with everyone else who serves here, are seen to be strong supporters of public education. And we do that by expanding programs where the need is, by increasing dollars, by looking at priorities. That is what we should be doing.

As a member of the Appropriations Subcommittee on Labor, Education and Human Services, I have worked to make sure that that kind of rhetoric gets translated into increases in Federal funding for education, and I am pleased that this year's bill—the one that we are currently debating—has such increases in it.

In other words, what we are doing here in the Senate is something we should be doing because the American public has asked us to do it—to examine our priorities, balance the budget, and redirect our resources and, in doing so, placing education as one of those enhanced priorities. Yet, despite all of the increases in spending, I find that teachers and parents in my State and across the Nation have not yet been able to see an improvement in their schools. There is still a high level of frustration, especially at the parental level, with the quality of education that our young people get, the method by which they are educated, and the whole combination of the environment that we call our public school system. They want to know—and I want to know—where the money goes, how the money gets spent. Why do we have a lot of people at different levels of the administrative process making decisions when, in fact, we have elected officials at the local level and professional educators who should be allowed to make the largest block of those decisions?

Now, in many instances, the Department of Education can't tell you where the money went. It doesn't get lost, it just gets administered. The fact is that between the time we appropriate it and the time a student feels the impact of it, anywhere from 15 percent up to 25 percent of the money gets lost at the Federal and State administrative levels. The Gorton amendment cuts to the chase. It basically asks us to be true to the very arguments we have placed time and again in our town meetings and in our citizen gatherings in every State, and that is, we want local control and we want the money to get to the local level. Yet, in our desire to fund public education, we are constantly working at—if I can use the word—new schemes, new processes by which the money moves through. And in the end, as I say, as much as 25 percent doesn't get there.

As the Senator from Washington was mentioning a moment ago—and he didn't mention my name, but I was the one visiting with him the other evening in relationship to an administrator in my State. After I toured his school, he said, ''You know, Larry, the Federal programs that we have just seen, some of them are very good and well meaning and are providing very valuable service to our young people, but there is a problem.'' I said, ''What is that problem?'' He said, ''Well, 60 percent of the paperwork that my school has to do . . .''—and he means all of the paperwork—''. . . is spent on approximately 10 percent of the money we get, and that 10 percent is Federal money. That is about one-and-a-half staff people in time involved in the paper shuffle to get 10 percent of the money, because the programs are there and the projects are there. So they are bound to go after them.''

By the way, that individual is not in the classroom teaching. That individual is sitting in an office filling out forms to identify with the Federal dollar. We all support education, but how will increases in spending make a difference if the money gets lost in the process or gets diminished dramatically in the process, at a time when we are trying to balance the budget and sort out the differences in very limited resources, trying to empower our taxpayers by letting them keep more of their hard-earned money, and still wanting to spend more on education because the public believes it is necessary, and so do we? So why can't we think of a better way to do it, instead of the schemes and the systems and the bureaucracies, when we have people who are elected at the local level, charged and empowered with the responsibility of educating young people and professionally trained educators who are there to do it, and yet the Federal system and the State systems tells them how to do it, where to do it, why to do it, and when to do it. The Gorton amendment says in a very clear way that there is a better way. Title I has been corrected, and it is important that it be corrected. The idea of funding has been exempt. Impact aid should be exempt because that speaks to the Federal presence in a given school district, a Federal presence of employees that oftentimes don't pay tax dollars by the nature of Federal property they might be on, be it a military base or an Indian reservation. And because there is a Federal presence it is important that that money be selected.

Senator GORTON has exempted that. But what he has said—and importantly so for the rest of it—is create an equitable formula, allow the Secretary of Education to be the administrator of that formula, and pass the Federal dollars straight through to the local school districts, and each school might choose how to spend that money just a little bit differently. But they would choose it on a priority based on what was needed in that community and in that school district instead of pursuing the paper chase because there was a Federal program. And, we can get the money, but we really do not need that particular project in this district. But it is there, and we ought to apply for it because it will help fund a piece of this teacher's salary, and we can have them educate in the standard curriculum program along with the special program.

That is, of course, exactly what happens. And those are the dynamics involved. That is why Senator GORTON has brought to the floor what I think is a very clean and simple idea. We are all for public education. This amendment is about public education. It is for public education. It dramatically increases the ability to get the $11 billion that we spend in public education to the teacher, to the school board member, and to the administrator but, most importantly, directly to the student.

In fact, the Senator, who is the primary sponsor of this, believes that it increases the amount that goes to the students by well over $1 billion. I suspect we are going to hear arguments tonight: Well, but, but; How about; maybe, and This program is so valuable. Of course, that is the standard argument because that is the bureaucracy that has built up over the years, and we become defensive about it, if we are a creator of it, or an administrator of it.

But what we are saying here tonight is let us pass the money through the Department of Education directly to the schools, to the students, to the educators, and to the administrators, and save 15 percent in administrative costs at the Federal and the State level, increase the finite resource dollar spent by well over $1 billion to the student, and be proud of the fact that we are strong supporters of public education but recognizing the fact that there are the professionals at the local level who know what they are doing and we are simply empowering them with more resources to do it.

I am proud to be a cosponsor of the Gorton education amendment. I hope my colleagues will join with us at the time of passage in voting for it.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, there has been a concerted effort on all sides to work out a unanimous-consent agreement. I think it is a fair one in view of the time—and the amendments—that we have spent on this important appropriations bill, the Labor-Health and Human Services and Education bill.

We have an agreement here now that I think will allow us to complete all action on the bill before noon tomorrow. Then it would be our intent at that time to go to the Interior appropriations bill. In the middle of the afternoon we would probably go to FDA reform. There would be at least an hour of debate by Senator KENNEDY, followed by others certainly, and then we would have probably a cloture motion, and we would return to Interior appropriations.

That is not a part of the UC. There are a lot of contacts still being made on behalf of Senators on both sides of the issues involved in Interior appropriations. But I believe we have the FDA reform time, and general understanding of what we will do there.

But I just wanted to give Members some idea of what we hope our schedule will be tomorrow beyond this agreement.

I ask unanimous-consent that time on the Nickles amendment, No. 1081, be limited to 30 minutes equally divided in the usual form, and following the debate the Craig second-degree amendment, No. 1083, be agreed to, and that no other second-degree amendments be in order.

I further ask that the time on the Gregg amendment, No. 1070, as modified, be limited to 30 minutes, equally divided in the usual form, and, following the debate, the second-degree amendment, No. 1071, be withdrawn, and no other second-degree amendments be in order.

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

Mr. LOTT. I ask unanimous consent that following the debate on the Gorton amendment, No. 1122, the amendment be laid aside, and, at 10 a.m. on Thursday, the Senate proceed to vote on or in relation to the Gorton amendment, to be followed by a vote on or in relation to the Nickles amendment, to be followed by a vote on or in relation to the Gregg amendment, to be followed by third reading and final passage of S. 1061.

So we have stacked votes beginning in the morning at 10 on the amendments that are listed here, and on final passage.

Mr. FORD. Mr. President, will the distinguished majority leader consider the 2 minutes equally divided for debate just prior to the vote?

Mr. LOTT. Mr. President, certainly we should do that. I should have included that in our unanimous consent, as is always the case when we stack votes like that. We will have 2 minutes equally divided before each vote so that Members will know exactly what the substance is.

Mr. FORD. The majority leader has always been generous with that portion of it. I apologize for bringing it up.

Mr. LOTT. That is fine.

Mr. FORD. We want to be sure. So that is part of the UC agreement.

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

Mr. LOTT. I further ask that, following the passage of S. 1061, on Thursday the Senate begin consideration of S. 830, and there be 1 hour under the control of Senator KENNEDY and 1 hour under the control of Senator JEFFORDS, and, following the filing of a cloture motion by the majority leader, S. 830 be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, I wonder if the leader has the language of the modification on testing? If not, I would be constrained to object unless he could modify his agreement with respect to the modification.

Mr. LOTT. Mr. President, in response to that reservation, I understand that the efforts are still underway to get agreement on the exact language. It is hoped that we will be able to get some agreement. I understand the White House is involved in that discussion, and Senators from both sides of the aisle are I think making some progress. But if that does not come to a head, I would modify then—let me put this part of the consent.

I modify the consent to reflect that, if the Gregg amendment, as modified, is not the agreed-upon text between the two leaders, then this consent agreement will be null and void.

Mr. FORD. Mr. President, I have no objection under those circumstances.

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

Mr. LOTT. Mr. President, then in light of this agreement, there will be no further votes this evening, and at 10 a.m. on Thursday, four back-to-back votes will occur. Also, for those Senators interested in the Gorton education amendment, that debate will be occurring this evening. The debate on the Teamsters issue and the testing issue will occur between 9 a.m. and 10 a.m. followed by, of course, the stacked votes.

I do want to say, Mr. President, that I appreciate the effort by Senator GORTON. I agree with the statements I heard being made by Senator CRAIG. And the idea is to get education back to the people, back to the local level, back to the parents, and the children, the teachers and administrators. Let them make the decisions of how best to spend their allocation of these Federal funds. I believe they will make the right decisions, and it will be a way to help improve education in America. It is one thing to test. But we know that our children are not doing as well as they should be. What we should be focusing on is greater parental involvement in education, and in the decisions affecting that education at the local level. This amendment would do it.

I heartily endorse the Gorton amendment.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to add my name as a cosponsor of the Gorton amendment.

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

Mr. GRAMM. Mr. President, every once in a while a vote comes along that is a defining vote. I am sure that to a lot of people the Gorton amendment looks like a fairly simple, straightforward concept. And that concept is that we are spending a lot of money on education at the Federal level. Yet, if one looks at the 30-year history of that expenditure, Federal spending and Federal control have expanded and we have crowded out parental involvement, and the quality of American education by almost any measure has declined.

This has created a dilemma on the part of many Members of Congress. Congress and bureaucrats dictating local education priorities and programs is failing. Yet those who are concerned about education have loathed the idea of reducing the amount of resources committed by the Federal Government for a purpose that they support.

So we have been in an endless debate where everybody admits that what we are doing is failing. And, yet, we continue year after year adding more money for the very programs that we have all concluded are failing because we want to show that we support education.

For example, one of the provisions of the bill before us that I strongly oppose is bilingual education. This program has become a vehicle to keep people dependent on a language other than the language of opportunity and commerce in America. It begins to produce a society where people who do not learn English are isolated. Yet, in this bill we have a 36-percent increase in funding for bilingual education. That is the dilemma.

How can we see the money is spent efficiently, if, in fact, we want to improve the quality of education? The Gorton amendment solves the problem by eliminating the dilemma.

The Gorton amendment will spend every penny on education that this bill calls for. For poor students, it maintains the same allocation for title I.

We have already dealt with the education of disabled persons. That is outside the purview of this debate. We have recently reformed that program. It is not included.

Impact aid is given on the basis of the number of Federal employees who are working in facilities that do not pay local taxes. That is a property tax supplement. Impact Aid is not included. But nearly all other K–12 educational funding at the Federal level is included in the Gorton amendment.

So what the Gorton amendment essentially says is this: Take the amount of money that is currently being spent by Washington bureaucrats and congressional politicians and give it to the school systems. But take away all of the mandates as to how it is to be spent, and let local teachers, local parents, and locally elected school board members decide how this money is spent.

I think conservatively it has been estimated that over $1 billion of additional spending will get through the massive web of bureaucracy, through that maze of grants and applications and bureaucratic oversight, and get to the students. I think that number is a gross underestimation.

So this is one of those votes that really defines where we stand.

Those who vote against this amendment are voting to continue a system that for 30 years has failed the children of this country, that has increasingly dictated education policy in Washington, DC, where bureaucrats and Congressmen set priorities in education and where parents are basically excluded from having a real voice in how their Federal tax money is spent and often how their State and local tax money is spent. Those who oppose the Gorton amendment are saying let's protect the status quo. Let's continue a program where Washington knows best.

Those who support the Gorton amendment are saying, look, we want to commit the money, but rather than letting Washington bureaucrats and Washington politicians decide how it is being spent, let's let local teachers, local parents, local administrators, and locally elected school board members take this money and use it in a way that maximizes the rate of return in terms of quality education that we get.

I think for years to come, people will be able to look at this vote and determine where people stand on this fundamental issue. Do you believe Washington knows best on education? Well, obviously many do. But if they do, they believe it is in spite of 30 years where the record has shown a clear failure as Washington has dictated more and more of the spending on primary and secondary education in America.

It seems to me it is very difficult based on empirical evidence to suggest that the current program really works. What the Gorton amendment says is let local people set priorities in education. The American people overwhelmingly in poll after poll believe that. I am confident that local parents in my hometown of College Station, TX, local teachers, locally elected school board members love their children at least as much as we do.

I remember once engaging in a debate with someone from the Department of Education in the early 1980's, and I made what I thought was the convincing point. I said I may be ignorant, I may not know curriculum, I may not have a Ph.D. in education, but I do love my children more than you do, to which this very sweet lady said, ''No, you don't.'' And I said, ''Then what are their names?'' She loved them but not enough to know their names.

So I am confident that people in my hometown care more about the quality of education their children receive than we do. I am convinced that if we give them the same money we are giving them now but we let them decide how to spend it, they will do a better job.

It is not going to do us much good to have the Department of Education or some surrogate create a test to give students, then discover that our schools are failing to teach our children. We already know that. Nothing is more documented in the country than the fact that public education is failing, especially in the big cities. The question is what are we going to do about it?

The Gorton amendment says let us in a very simple way fundamentally begin to change the equation. It is only the first step. If we give the money directly to the school system, then you have to ask, what do we need all these bureaucrats for? Perhaps next year we can go back and take the money we are spending on all the people who administer these programs and give that money to the school system and thereby greatly multiply our efforts.

So I am proud of this amendment. I think this is a defining amendment. I think how you stand on this amendment basically says whether you believe that Washington knows best or whether you believe that local parents, local teachers, locally elected school board members know best and care most. I do not have any doubt about the answer to that question. That is why I am for the Gorton amendment. I hope it will pass.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I rise in order to offer support for the principles outlined in the legislation submitted by my friend from the State of Washington, Senator GORTON. This amendment begins to bring about some very needed reform to give youngsters in our public education institutions, particularly so many in our large metropolitan areas and our inner core cities, the needed reforms that are long overdue.

What we are saying is that we want to see to it that the money gets into the classroom, that we empower good teachers to teach, that we give to the local districts the opportunity to direct the resources they need.

The amendment combines all of the Federal funds devoted to education, with several large exceptions, into block grants. The Secretary of Education is then required to distribute the consolidated funds directly to each school district through a formula outlined in the bill. Now, under this innovative approach, the Federal funds will be distributed directly to school districts, and it will be used in classrooms and no longer will Washington bureaucrats be dictating how schools use scarce resources. We need to empower local educators, and more importantly, parents and teachers, with the ability to bring the kind of education to youngsters that has been lost to many for so long.

I feel very strongly that we have to maximize resources and to return to citizens the ability to give educational opportunity to their children. It is clear that this country has now begun a long overdue debate on the future of public education, and I strongly believe that we need fundamental reforms that will give to our children what they need and deserve.

I have proposed five fundamental reforms which I hope we can make part of our educational mission, not necessarily by legislation, but as guiding principles.

First, you cannot give youngsters an educational opportunity unless we get violent and disruptive juveniles out of the classrooms so that teachers can teach and good students can learn.

A little over a week ago there was an article in the New York Times about crime in the schools, and according to New York City Chancellor Rudy Crew, last year there was a total of 22,615 reported—I say ''reported'' because we don't know how many were unreported—incidents including one murder, 221 sexual assaults including rape, and nearly 1,000 other physical assaults. That is outrageous. We are talking about schools that are supposed to be sanctuaries and havens for our children. How can teachers teach good youngsters with that taking place? Yet in district after district, State after State, we find parents unable to secure for their children a safe environment. Disruptive juveniles are permitted to stay in the classroom and create chaos to keep others from getting the education that they deserve. How can good teachers teach in those kinds of circumstances?

Second, talking about good teachers—and there are many, many—how do we reward good teachers when they are all treated the same? It is about time we rewarded outstanding teachers for their good performance with merit pay. What do we hear in response to that? I hear the president of the teachers' union say, ''We are opposed to merit pay.'' Imagine, opposed to giving merit pay to good teachers.

Instead, what the union does is protect its own perks without making determinations about rewarding good teachers. We have outmoded tenure systems in State after State. In my State, the teachers' union protects incompetence, notwithstanding that the school board associations have begged, have pleaded, have said give us renewable tenure, tenure for 5 years so that we can review someone's performance. Now we lock in incompetence. We reward it. You have unions that are more interested in protecting the perks and the privileges of their members, not rewarding outstanding teachers, those teachers who come in early, those teachers who work with our youngsters, those teachers who stay after school, who give additional thought, who are inspirations—and there are so many. No, they are not rewarded with merit pay, but incompetents are protected.

We need to give parents more control over their children's education, and that means letting parents choose which public school in their own school districts their children can attend. Bring about competition. Do not assign, particularly working poor families, to the worst of public education systems without the choice or without the ability or without the financial means to give their children an educational opportunity, but give them choice.

By the way, in areas where this has been effected, it has worked. It has worked in East Harlem, and it can work elsewhere. In fact, there are at least four other examples of New York districts that are experimenting with similar interdistrict programs, and they work. It will let us empower parents to make educational choices for their children, and particularly those who are not of great affluence.

Finally, we need to put our children first and stand up to those special interests, which are teachers unions that are more interested in pay and perks than they are in good education for our children, and reward those teachers who are excellent and should deserve that recognition. I am strongly supportive of the principles of this amendment.

I have to ask my good friend and colleague, though, Senator GORTON, what, if anything, in the bill will see to it that the districts that will be receiving these moneys will not be impaired and that they will get at least as much in terms of funding under this proposal as they received in the past? I think that is a very important element.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the statement by my friend and colleague from New York on educational policy is greatly to be commended. He set out a vision that I think is a magnificent one for parents and students and teachers and all interested in education all across the United States.

As he pointed out, this amendment is not directed at all of those goals by any stretch of the imagination but is focused on the goal of trusting to a far greater extent than we have in the past the wisdom of the parents and the teachers and the administrators and local school board members in each of the thousands of school districts in the United States with respect to what best can advance the education of the students for which they are responsible.

The principal goal of my amendment is to remove these thousands of pages of regulations and detailed supervision, frequently on a one-size-fits-all basis, directed from on high here in Washington, DC, at urban, rural and suburban school districts all across the United States.

Already, this amendment has been improved by suggestions by the Senator from New York and others with respect to title I. And he has now asked the question that was asked by the Senator from Kentucky in a slightly different form—each Senator, while he or she has strong general ideas, also represents particular constituencies in the particular State—as to whether or not it is possible to see to it that as we move into this situation we do not have States that are huge losers as well as winners.

It is my opinion—it is the reason that I introduced this amendment—that every school district in every State in the United States should be a winner in two ways. First, because so much less money has to be spent on administration that more dollars would actually get down to individual students; but, second, because these mountains of regulations and impositions from the Federal Government on local school districts will be removed, the use of the same number of dollars would be far more effective in the ultimate educational result.

But, since that is much more important than the formula, the Senator from New York has said, ''Can't we hold harmless each of the States, at least?'' I think we can only do it by States, because now so much of this money doesn't go to school districts, it goes to the States. The States distribute it. And, on reflection, I think he is right. I think he is correct in that.

So, I will ask the indulgence of my colleagues to send one more modification to the desk. Before I send it to the desk I think I just simply ought to read it for their approval. It would be that:

> Notwithstanding any other provision of this section, the total amount awarded to local education agencies in each State under this section shall not be less than the net dollars that State would have received absent the provisions of this section.

What does that mean? That means that roughly 85 percent of the money, the money that now gets out of Washington, DC, would be distributed just as it is at the present time. The other 15 percent, or the great bulk of that 15 percent that is no longer needed for all of the bureaucrats writing and enforcing these regulations here, would go in the way in which the rest of the amendment describes.

I think probably that makes even more forceful the point that I have made from the very beginning of this debate, that its primary goal is to see to it that we allow the decisions about the way the money is spent to be made by the people who are actually spending it and actually providing the education. My own opinion is that's far more important, even, than the billion-plus dollars that would be distributed to the various States because of the smaller expenses of administration. I think this meets with the suggestion the Senator from New York made, and I would like to ask for his comments on it.

Mr. D'AMATO. It certainly does. Mr. President, once again, I want to commend Senator GORTON for his willingness to look at a problem that he has worked on for a long time, in terms of solving it, and having that flexibility of recognizing that there are complexities and ways to deal with this. I applaud the modification that the Senator has indicated he is willing to make because we now assure against the argument that, ''Oh, this may cost us money.'' Indeed, I think what the implementation of his legislative proposals will demonstrate is that not only do you get at least the amount of money that we are talking about now, but absent the red tape, absent the administration—both from Washington and at the local levels, that schools are burdened with, hours and hours, and thousands of people nationwide who are just working on filling out forms and sending them back and forth—those wasted hours and resources can be used and directed much better to meet the educational needs that our youngsters have. We are talking about empowering the local districts, parents, and good teachers to utilize these scarce resources.

It is literally finding over $1.5 billion. That is what the import of the Senator's message is here, giving that kind of resource; and, more important than just the money, is the tools to direct how these moneys will best be used, the resources to give the best education to youngsters—maybe determine in certain areas they need more computers, maybe in another area they need more books, maybe in another area there are some remedial requirements that are necessary. Whatever it is, those decisions should be made by the parents, by the educators, by the local superintendents, by the local districts, and not on high from Washington and not burdened with all kinds of reporting requirements that do nothing to educate our kids.

So, if the Senator goes forward with that, I commend him for his initial undertaking and for the fact that he has demonstrated that he has a willingness to meet the needs of the entire educational community and see to it that the resources get there, and that no one can make the argument, ''Oh, in my school district our children will not get the resources that they are entitled to, or they will get less.'' This modification that he suggests will assure that. I am deeply appreciative of his sensitivity; more important, of his leadership in this important area.

There is no area more vital. Our public educational institutions, on the elementary level, have been suffering mightily throughout this country, particularly in the large metropolitan areas and our inner core cities, since so many working families are deprived of choice, are deprived of opportunity, are deprived of giving their youngsters a good education that we have had in the past.

I might make one comment. I am struck by the deterioration in our public schools, again: Because of disruptive students—you can't get them out

of class; you should be able to get them out of class—because we have not given and empowered good teachers with the kind of recognition and good pay that they need, because we have protected incompetents with outmoded tenure laws, because we stripped away the ability to make choices.

When my dad was in elementary school 75 years ago, when he first entered elementary school—and it was even a little more than that, almost 80 years ago—he didn't speak a word of English. His mom and pop had just come to this country. They lived in a ghetto, in a poor community. No one spoke English there. When he went to grammar school he flunked English right throughout. But he had teachers who were dedicated, willing, who persevered. And they were interested in giving those youngsters who came from all kinds of diverse backgrounds the best education. Let me tell you, disruptive kids—and they had disruptive kids—were not tolerated, nor their conduct.

As a result of that, over a period of time, going to summer school and with help, he graduated, went on to a State teachers college. He majored in English because the people who worked with him were an inspiration to him. That is the story of so many of our grandparents and parents, who had that great educational opportunity in our public schools. That is an opportunity that all too often, in too many of our communities, is lacking. It is one that we have an obligation to fight for and to bring about. We have to empower local educators, local decisions, parents, so the good children can get that opportunity that was available many years ago and unfortunately, in too many cases, is not available now.

So I commend the Senator for his excellent amendment and his initiatives and look forward to working with him.

Mr. KENNEDY. Mr. President, I strongly oppose the Gorton amendment because it hurts students and goes against the Nation's commitment to helping poor and educationally disadvantaged students who need our strong support. It also undermines the partnerships that have been created by Federal, State, and local education agencies to improve all schools for all children.

We all agree that education is a local responsibility. But the States and the Federal Government are important partners in helping to improve education for all children. We all need to work together to improve the Nation's public schools.

This amendment rejects that basic principle. It shifts Federal dollars away from the neediest communities to the wealthier ones. It destroys carefully crafted and widely supported Federal programs. And it undermines the States' roles as vital partners in improving the achievement of all students.

This amendment would strip the States of their ability to integrate Federal funds with innovative State programs and State standards. Most of the small portion of Federal funding that is retained by the States under current law—only 6 percent—supports technical assistance and training for local school districts that do not have the expertise, resources, or desire to conduct such training themselves.

Currently, Federal funds are offering a helping hand to local school districts in meeting high priority responsibilities important to the Nation as whole. The funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to higher standards, help communities create safe and drug-free schools, and help communities modernize their schools. This amendment would take away Federal funding for these crucial, targeted purposes to help children who need it most, but who are often short-changed under current State and local law.

Contrary to arguments made by proponents of the amendment, Federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in closer and more effective cooperation. The result is that schools are doing a better job of helping all children meet higher standards of achievement. The Federal-State-local partnership in education isn't broken and the amendment can't fix it. Congress should be doing all it can to strengthen that partnership, not destroy it.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability for how these dollars are spent. Reforming the Federal role in education does not mean abdicating that role.

This amendment is the wrong direction for the Nation's children and the wrong direction for education. It is not an attempt to offer a helping hand to local schools. It is simply a thinly veiled attempt to dismantle the Federal role in education.

We should support efforts to improve education for all students, not undermine them. I urge my colleagues to oppose the Gorton amendment.

Mr. HARKIN. Mr. President, the amendment fundamentally alters the distribution of Federal education funds by converting a poverty based formula to a general aid formula. This is major change in Federal education policy and there has not been a single hearing on the impact or advisability of such a change.

The Senator from Washington said it is his goal to get more money into the classroom. However, I wonder how there can be any such assurance since his amendment eliminates the requirement that Federal funds must supplement and not supplant existing education funds. We all know that dollars are fungible and there is nothing to prevent a state from merely reducing State Support for education and spending more money for other worthy things like roads and bridges.

The 1994 reauthorization of the Elementary and Secondary Education Act provided schools with greater flexibility, especially with respect to title I. These changes are working.

As Federal lawmakers, we have a responsibility to make sure the Federal dollar is well spent. This amendment undermines the provisions of the 1994 reauthorization of the Elementary and Secondary Education Act to improve accountability of Federal education programs.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Two mechanical matters. First of all, I ask unanimous consent that Senators DOMENICI, ABRAHAM, CRAIG, and SMITH of Oregon be added as cosponsors, if they are not already cosponsors of the modified amendment.

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

MODIFICATION TO AMENDMENT NO. 1122

Mr. GORTON. Second, I send the modification I just discussed to the desk and ask unanimous consent it be included.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification to the amendment (No. 1122) is as follows:

Insert between lines 22 and 23 on page 6: (h) notwithstanding any other provisions of this section, the total amount awarded to local education agencies in each state under this section shall not be less than the net dollars that state would have received absent the provisions of this section. Old subsection (h) relettered subsection (i).

Mr. D'AMATO. Might I ask I be also included as an original cosponsor.

Mr. GORTON. I make that request.

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

Mr. D'AMATO. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Washington, Senator GORTON, for an outstanding amendment. Every once in a while we will vote on an amendment that will make a significant difference in our lives and the lives our families, and this is just such an amendment. This is an amendment that says local school boards, local school districts and parents will be making decisions instead of Washington, DC.

I remember when we debated welfare reform and I asked my staff: How many Federal welfare programs do we have? I was thinking maybe we had 60 or something. It turned out we had 350-some Federal welfare programs. They were stacked on top of each other and, frankly, people could qualify for any number of programs, multiple programs.

Then I remember we started talking about education. I asked somebody how

many programs do we have and how much money are we spending in education? And my staff sent me back: Well, there's hundreds of programs and we spend almost $100 billion.

I thought, ''Well, I don't really think that's the case. We don't spend that much in the Department of Education. And we don't spend that much—I know we have other education programs in other agencies, but surely that is an exaggeration. Maybe that was something that some right-wing Rush Limbaugh group or somebody made up.'' So I asked the question and we did some homework and we got some information from CRS.

This is a listing of all the Federal education programs. It is a big list. There are 788 Federal education programs. I don't care how bright anyone is, there is no one person who can keep track of all these programs. These are all Federal education programs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point—not this lengthy list, because I don't want to charge the Government that much—but a little summary of the list by departments, programs, and funding; and also by category; the listing and the amount of money spent on Federal education programs.

I ask unanimous consent to have these printed in the RECORD at the close of my statement.

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

(See exhibit 1.)

Mr. NICKLES. To outline just a little bit, the Department of Education has 307 education programs and spends a little over $59 billion. The Department of Health and Human Services has 172 Federal education programs, that costs $8.6 billion. The Department of Labor has 21 at a cost of $5.4 billion, and I can go on down the list but we have had it printed in the RECORD. It is a total of 788 programs; a total cost of almost $97 billion a year. I found that hard to believe, and I served on the Budget Committee for years and thought I knew a little bit about Federal budgeting. But I started looking at these figures, and they are astronomical.

Mr. President, we have had this information printed in the RECORD. I hope my colleagues will pay a little attention to it. I hope as a result of that they will realize there is no way in the world that we, on the Federal level, from Washington, DC, can micromanage 788 programs.

The amendment of the Senator from Washington says let's let the local school boards do it. Let's put this money, with a few exemptions—impact aid and a couple of other exceptions that maybe really have Federal cause—let's exempt them. But for the most part, let's take the balance of them, 788 programs, and put that money together and turn it over to the local school boards and to the parents and to the teachers where they can really do some quality education. They know what works. Frankly, what works in Oklahoma may be different than what works in New York, what works in Arizona.

So I think my colleague from Washington has an outstanding amendment. I hope and urge my colleagues to support it. I hope it will be adopted tomorrow morning.

I complement him for his outstanding work and hope this amendment passes. I believe, if it passes, it will make a very positive contribution towards improving education throughout this country.

I yield the floor.

EXHIBIT 1

FEDERAL EDUCATION PROGRAMS BY CATEGORY

Category	No. of Programs	Funding
Construction	9	$627,096,000
Education Research	14	841,534,000
General Education	52	684,250,501
K12	181	25,920,623,342
Libraries	9	249,869,103
OMB 1&2	33	577,929,000
Professional Development/Teacher Training	60	731,528,342
Postsecondary	259	44,765,196,759
Preschool	17	5,770,992,000
Research	27	1,711,255,000
Social Services	42	6,790,978,287
Training	79	8,178,372,048
Set Asides	6	19,719,038
Total	788	96,869,343,420

DEPARTMENTS, PROGRAMS AND FUNDING

Department	No. of Programs	Federal dollars
Appalachian Regional Commission	2	$2,000,000
Barry Goldwater Scholarship Program	1	2,900,000
Christopher Columbus Fellowship Program	1	0
Corporation for National Service	11	501,130,000
Department of Education	307	59,045,043,938
Department of Commerce	20	156,455,000
Department of Defense	15	2,815,320,854
Department of Energy	22	36,700,000
Department of Health and Human Services	172	8,661,006,166
Department of Housing and Urban Development	9	81,800,000
Department of Interior	27	555,565,000
Department of Justice	21	755,447,149
Department of the Treasury	1	11,000,000
Department of Labor	21	5,474,039,000
Department of Transportation	19	121,672,000
Department of Veterans' Affairs	6	1,436,074,000
Environmental Protection Agency	4	11,103,800
Federal Emergency Management Administration	6	118,512,000
General Services Administration	1	0
Government Printing Office	2	24,756,000
Harry Truman Scholarship Foundation	1	3,187,000
James Madison Memorial Fellowship Program	1	2,000,000
Library of Congress	5	194,822,103
National Aeronautics and Space Administration	12	153,300,000
National Archives	2	5,000,000
National Institute for Literacy	1	4,491,000
National Council on Disability	1	200,000
National Endowment for the Arts/Humanities	13	103,219,000
National Science Foundation	15	2,939,230,000
Nuclear Regulatory Commission	3	6,944,000
National Gallery of Art	1	750,000
Office of Personnel Management	1	0
Small Business Administration	2	73,540,000
Smithsonian	14	3,276,000
Social Security Administration	1	85,700,000
State Department	1	0
United States Information Agency	8	125,558,000
United States Institute for Peace	4	3,371,000
United States Department of Agriculture	33	13,339,630,410
U.S. Agency for International Development	1	14,600,000
Total	788	96,869,343,420

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I see no overriding reason to extend this debate. I want to thank the large number of my colleagues who have come to the floor, many of them greatly to their inconvenience, during the course of this evening to speak in favor of my ideas, and the significant number who, at one time or another during the course of the last 3 days, have spoken on it at other times.

I am prepared now to summarize the reasons for favoring the amendment, to defer to Senator JEFFORDS from Vermont, who will oppose the amendment, and perhaps take the opportunity to close very briefly and to announce, as I understand it, there is no further business to come before the Senate this evening except for a little wrapup which I will undertake.

The Senator from Oklahoma spoke about a study that I believe was prepared by a very thoughtful Member of the House on the total number of Federal education programs, and the number approaches almost 800. He also spoke of almost $100 billion that were spent on these programs. That is a longer list and a larger amount of money than is involved in this amendment because, of course, it includes higher education, it includes preschool education, like Head Start, and it includes a number of education and training programs managed by departments other than the Department of Education.

I think that many of those programs could be and should be equally integrated into the formula that I have posed here, but I simply lacked the ability to analyze each of those 760 or 788 programs. So what we have done is to take the principal kindergarten through 12th grade programs administered by the U.S. Department of Education, with the exception of the Individuals With Disabilities Education Act, which we debated very thoroughly in the Senate a few months ago, impact aid and a few other programs which don't fit well into this formula, and to say that instead of continuing dozens of narrow, categorical aid programs to education, each managed by its own bureaucracy not just here in Washington, DC, but in State capitals and in school district offices all across the country, each with its own requirements, each presenting to school districts the risk that they may inadvertently spend some of the money on an educational purpose other than that outlined in the statute, and consolidating all of them into one appropriation which will total something over $11 billion and stating that once each State has received the net amount of money that it would get under present law, that all of the money will be distributed not to State education agencies, but to local school districts on the basis of the number of students each of those school districts serve, with some slight preferences for school districts in poorer States and with the changes I have already described in title I.

One of the goals of this amendment, Mr. President, is to see to it that our school districts get more money, and get more money they will, because close to 15 percent of all of the money that we appropriate at the present time stays in administration in Washington, DC, or close to Washington, DC. More of it sticks in our State capitals with the administrators of school programs in each of those States, not so much because the State capitals want to stick it there, but because they have to meet the multitudinous requirements in Federal statutes and regulations. And much more of it must be spent by school districts, not on education, but on complying with these hundreds of pages of statutory and administrative requirements.

So if this amendment is adopted, school districts will have more money to spend on educating children in an aggregate amount of well over $1 billion, and I suspect probably $2 or $3 billion out of the $11 billion. But I think more important than even the extra money is the freedom that we will give to the people who are actually providing our children with their education: their teachers, with the contributions that come from active and concerned parents, the principals and other administrators of our schools, the elected school board members who almost, without exception, serve without pay. They will be empowered by this legislation to determine in each case how best to meet their educational goals, how best to meet standards imposed by the States or, in some cases, by the Federal Government, general standards of how well people should be educated, not detailed standards of how money should be spent.

So, in summary, seeing my friend and colleague from Vermont here, I simply want to present the issue in these terms: Do we believe that fundamental educational policies and procedures are best determined by those who are closest to the students—their parents and teachers and administrators—or do we believe that those policies are best determined on the floor of this U.S. Senate or by the bureaucrats of the U.S. Department of Education? To the extent that we hold the latter belief, of course, this amendment is unacceptable. I don't think that that belief is warranted. I don't think it is shared by other than a relatively small minority of the American people. In a free country, in a free society, we trust the people, and that's exactly what this amendment proposes to do.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. I know the intentions of the Senator are certainly the best in wanting to assist our local governments in having a better handle on their educational situation. However, I want to point out several problems with the amendment. I will also say that, given the modifications that have been made, my opposition, as far as the energy involved, has been diminished substantially. Now, we are now talking about only $4 billion, whereas originally the figure was closer to $12 billion.

Even with those modifications having been made, I still want to raise my colleagues' understanding of what this amendment does.

A lot of the discussion has been about doing away with Federal involvement, but what the amendment really tends to do is to turn over to local governments functions that are now handled by the States. With the modifications, this is somewhat less the case.

As a Republican, I have the feeling that the States are better able to control, to help, and otherwise assist local schools than is the Federal Government. This amendment shifts some responsibilities back to the local governments, but also shifts a great bulk of it back to the Federal Government. For that reason, I am a little bit ambivalent as to how serious I consider this amendment.

I would like to point out one thing that does alarm me, as someone who believes that the States should have more control over things, and that is the fact that the control that we give back to the local governments is very precarious. If you read the amendment, the amendment says:

> Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described.

I will recount a problem I once had. I had a wonderful amendment to reorder the Nation's priorities in energy. I worked with the committee that handled energy. They adopted all my points, and I thought I had a great victory. Then they said, ''Gee, Jim, all we did was change one word in the amendment.''

I said, ''What was that?''

They changed ''shall'' to ''may.''

Now, if you were to take your language here and change ''shall'' to ''may,'' then the Secretary of Education would have complete control of all these funds. It leaves us in a precarious situation when, with one word, you can change the total impact of this amendment.

As far as the full impact now, as I mentioned earlier, when you take out title I, you take out a huge, huge chunk of money. When you add to that the programs which were excluded from the original amendment, such as IDEA and 50 percent of voc-ed and several other programs, you end up with this amendment affecting a mere $4 billion of the roughly $20 billion made available under this bill for elementary and secondary education programs. So my vigor has diminished substantially.

But let me also point out that, without any guidelines to the local governments, funding for those programs which are included in the amendment and which is now targetted to try to help special bodies of individuals—Indians or whomever else—can be used in any way whatsoever.

I remember back when we had revenue sharing. What an embarrassment that turned out to be. I was a great one for revenue sharing: Send it back to the local governments. We found that, instead of doing the things we thought they would do with it, they built skating rinks, fish ponds and others things. So we said, ''Gee, we better take it back.''

I wish I had that much confidence that local governments would make the optimum use of general Federal funds for education. However, they have tight budgets. In my State, almost every town in the State is having a problem with its education budget because of its impact on property taxes.

There is nothing in the amendment about a maintenance of effort. You don't have to use the funds for additional education programs. You can take that money and replace the tax funds now being used. You don't have to improve your schools at all. You can just merely reduce the property taxes to the people in the community. I bet you, if we pass this and it becomes law, that a few years from now we will find out almost all the money went to property tax relief.

The problems of education are at the local level. They are not at the Federal level. They are at the local level. We argue about how much the Federal Government should influence the decisions of local governments, but what we have to do is give the local governments the ability, through professional development and assistance from the States, to try to make sure that they are living up to the obligation of educating our children.

In this Nation right now, 51 percent of the kids who graduate from high school graduate functionally illiterate. We are way in the back, almost last among the more developed nations, in math. We have right now 190,000 jobs in the information-technology area alone for which we can't find people who have the skills to fill them. In Europe and Asia, those skills are taught in high school.

Is giving money back to localities going to make a difference? I don't believe so. So I am afraid what we have here is a well-intentioned amendment which could backfire completely by a change in one word.

Let me also say that, although this amendment will not get enacted because it is veto bait, imagine yourself back home after you have voted for this amendment. You are out there, you are debating your opponent, and you say you are in favor of this amendment. He then brings up the amendment and reads it, without knowing the implications: ''Notwithstanding any other provision of law, the Secretary of Education shall award all the money.''

You can argue, but you know how it is trying to argue in a political situation by saying that the language is not really what it meant; that's what it says.

So, I just think we are not going to accomplish anything of any great dimension in terms of the intent of the amendment—to give the local communities more flexibility with spending. We have cut the States out, and we have a direct linkage now between the Secretary of Education and every local school district—with language just open, ripe for being changed from ''shall'' to ''may'' if we should ever lose the majority here.

Reluctantly, I have concluded that this amendment would be a very serious mistake if we were to pass it.

I yield the floor.

Mr. GORTON. Mr. President, I believe my friend and colleague from Vermont has stated the arguments on his side forcefully and eloquently and has illustrated, as I hope I have, the fundamental philosophical differences over this amendment, over any amendment that is even remotely similar to this.

The Senator from Vermont believes that a large number of educational priorities ought to be set here in the Congress of the United States by the Secretary of Education and the people who work in his department. Certainly there is an appropriate theory in this country that that is true, that the U.S. Department of Education ought to be able to impose significant controls over State departments of education and even more detailed controls over every school district in the United States, and that in the absence of such requirements not only will money be wasted but the quality of the educational product will be depreciated, will be less.

I don't know that there is much out there in the educational field that indicates any huge degree of success on the part of this top-down set of educational priorities. But nonetheless, it is possible to make such an argument.

My argument, and this is where the Senator from Vermont and I disagree, is that I believe informed parents, informed teachers who are in the classroom every single day of their professional lives, informed and dedicated administrators and school board members, most of whom are elected to nonpaying jobs, not only have an interest in the quality of education that they supply to their children, their students, the young people in their community, but that they are better able to determine how the money they have from whatever source is spent toward those ends than can we here, or anyone in a Washington, DC bureaucracy.

As a consequence, this amendment says get rid of the regulations that apply to the programs that are covered by it, distribute the money directly to the school districts that are providing education and let them spend it as they will.

At one level, of course, that does bypass State education entities in order that they not spend any of the money or hold any of it back, but it does not prevent any State education entity from saying you have to instruct the mathematics, history, whatever they wish to do, to set a curriculum, much of which is set by the States.

It just says with Federal money, the Federal Government is not going to tell you how to spend it. It is as simple as that.

We are not talking about local governments. The phrase in this amendment is ''local education agencies.'' By and large, though not entirely, single-purpose school districts.

To say what this really means is that people in these local communities will immediately take the new money and not spend it on education but do something else with it or provide property tax relief, in my view, evidences a great lack of trust in the fact that our citizens care about the education of their children.

I think we know from all of the surveys in which we engage, from all the speeches we make, from all the people we listen to, that our citizens care very deeply about the education of their children, and to say if we do not force them to spend money in particular ways here in Washington, DC, they will not spend it at all, that they will ignore our kids, is without any evidence, in fact, in the real world.

Much of this money is getting through to these school districts right now. I differ with the Senator from Vermont on how much we are talking about. We have not, by any of the changes of this amendment, taken out impact aid, disability education, or 50 percent of local education. They were never in the first version.

With respect to title I, we have not taken it out. We just have a somewhat different distribution formula. The same number of dollars is involved now as when I first discussed it earlier. The point, roughly 85 percent of this money is somehow or another getting at least down to the State level at the present time. Added money that school districts will get will be the money we save in administration here and in State capitals. I am convinced it will all go into the education of our children. But the number of dollars, the additional dollars, even if they can be measured, will not be nearly as important as the removal of Federal regulatory detail.

The Senator from Idaho described the situation in one of his districts, which I believe is pretty close to universal: 10 percent of the money comes from the Federal Government and 60 percent of the rules. That is a terrible imbalance. We would like to get rid of almost all of those 60 percent of the rules and power our school districts, power our teachers, and power our parents and see whether or not they cannot do a somewhat better job than the rather poor job we have done so far ourselves.

I yield the floor.

AMENDMENT NO. 1090 WITHDRAWN

Mr. GORTON. Mr. President, on behalf of Senator MACK, I ask unanimous consent amendment No. 1090 be withdrawn.

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

AMENDMENT NO. 1110

Mr. GORTON. Mr. President, I ask unanimous consent the pending amendments be set aside and the Senate turn to consideration of amendment No. 1110 to S. 1061.

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

AMENDMENT NO. 1110, AS MODIFIED

Mr. GORTON. Mr. President I send a modification to the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (1110), as modified, is as follows:

On page 9, line 11, strike ''$3,292,476,000'' and insert in lieu thereof: ''$3,288,476,000''.

On page 10, line 18, strike ''$216,333,000'' and insert in lieu thereof: ''$212,333,000''.

On page 12, line 11, strike ''$84,308,000'' and insert in lieu thereof: ''$88,308,000''.

Mr. GORTON. This amendment provides $4 million to the Department of Labor for the administration of the welfare-to-work job training program authorized and funded in the recently enacted Balanced Budget Act of 1997.

The administration had requested $6.2 million but the level was reduced in the amendment because of concerns raised by the Finance Committee.

The additional funds are fully offsetted.

The amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1110), as modified, was agreed to.

MORNING BUSINESS

Mr. GORTON. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11 through 15, 1997:

The Senator from Washington [Mrs. MURRAY], Vice Chair; the Senator from Maryland [Mr. SARBANES]; and the Senator from Hawaii [Mr. AKAKA].

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday,

September 9, 1997, the Federal debt stood at $5,408,443,156,374.66. (Five trillion, four hundred eight billion, four hundred forty-three million, one hundred fifty-six thousand, three hundred seventy-four dollars and sixty-six cents)

Five years ago, September 9, 1992, the Federal debt stood at $4,038,419,000,000. (Four trillion, thirty-eight billion, four hundred nineteen million)

Ten years ago, September 9, 1987, the Federal debt stood at $2,359,979,000,000. (Two trillion, three hundred fifty-nine billion, nine hundred seventy-nine million)

Fifteen years ago, September 9, 1982, the Federal debt stood at $1,110,794,000,000 (One trillion, one hundred ten billion, seven hundred ninety-four million) which reflects a debt increase of more than $4 trillion—$4,297,649,156,374.66 (Four trillion, two hundred ninety-seven billion, six hundred forty-nine million, one hundred fifty-six thousand, three hundred seventy-four dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO TELECOMMUNICATIONS SERVICES—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the ''CDA''), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the ''LIBERTAD Act''), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the ''CACR''), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of the telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$13,997,179
AT&T de Puerto Rico	274,470
Global One (formerly, Sprint Incorporated)	4,857,205
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	1,427,078
MCI International, Inc. (formerly, MCI Communications Corporation)	4,066,925
Telefonica Larga Distancia de Puerto Rico, Inc.	113,668
WilTel, Inc. (formerly, WilTel Underseas, Cable, Inc)	5,032,250
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	1,378,502
total	31,143,432

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 10, 1997.*

MEASURES REFERRED

The Committee on the Judiciary was discharged from further consideration of the following measure which was referred to the Committee on Labor and Human Resources.

S. 1124. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration:

S. Con. Res. 49. Concurrent resolution authorizing use of the Capitol Grounds for ''America Recycles Day'' national kick-off campaign.

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–2916. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on Civil Works activities for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2917. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation to repeal Section 808 of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

EC–2918. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics; to the Committee on Labor and Human Resources.

EC–2919. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule (RIN1890-AA04) received on September 5, 1997; to the Committee on Labor and Human Resources.

EC–2920. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled ''CLIA Program: Fee Schedule Revision'' (RIN0938–AG87) received on September 3, 1997; to the Committee on Labor and Human Resources.

EC–2921. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Specific Requirements on Content and Format of Labeling for Human Prescription Drugs'' (RIN0910–AA25) received on September 3, 1997; to the Committee on Labor and Human Resources.

EC–2922. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals'' received on September 3, 1997; to the Committee on Labor and Human Resources.

EC–2923. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, a rule entitled ''Government Contractors, Affirmative Action Requirements, Executive Order 11246'' (RIN1215–AA01) received on August 1997; to the Committee on Labor and Human Resources.

EC–2924. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, the report of the budget request for fiscal year 1999; to the Committee on Labor and Human Resources.

EC–2925. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, the report of the budget

request for fiscal year 1999; to the Committee on Labor and Human Resources.

EC–2926. A communication from the Secretary of Defense, transmitting, a notice of a retirements; to the Committee on Armed Services.

EC–2927. A communication from the Acting Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the F–22 program; to the Committee on Armed Services.

EC–2928. A communication from the Acting Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to purchases from foreign entities; to the Committee on Armed Services.

EC–2929. A communication from the Director of the Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, two rules received on September 3, 1997; to the Committee on Armed Services.

EC–2930. A communication from the Director of the Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a rule received on September 9, 1997; to the Committee on Armed Services.

EC–2931. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a notice relative to institutions of higher education; to the Committee on Armed Services.

EC–2932. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'' received on September 4, 1997; to the Committee on Armed Services.

EC–2933. A communication from the Director of the Department of Defense Washington Headquarters Services, transmitting, pursuant to law, a rule (RIN0720-AA33) received on September 4, 1997; to the Committee on Armed Services.

EC–2934. A communication from the Acquisition Executive, U.S. Special Operations Command, transmitting, pursuant to law, a report relative to a survivability test; to the Committee on Armed Services.

EC–2935. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Military-Civilian Child-Care Partnerships''; to the Committee on Armed Services.

EC–2936. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Youth Programs''; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–225. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

HOUSE RESOLUTION

Whereas, on August 1, 1997, the Parents and Students Savings Accounts Plus Act was introduced with bipartisan support in both houses of the United States Congress; and

Whereas, the act would amend the Internal Revenue Code to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and would increase the maximum annual amount of contributions for these accounts to two thousand dollars; further, the bill would specify education expenses as including tuition, fees, tutoring, special needs services, books, supplies, equipment, and transportation costs; and

Whereas, the A+ Act was described as a common-sense way to give parents the financial freedom to choose the best school for their children without taking funds from the public school system and to help families provide the best learning environment and tools to every child in America; and

Whereas, this legislative body believes such legislation would be of significant benefit to our nation and would supply all of our children with a positive learning environment and the educational supplies necessary to succeed in school and life: Now therefore be it

Resolved by the House of Representatives of the Legislature of Alabama, That the United States Congress is respectfully encouraged to enact H.R. 2373, the Parents and Students Savings Accounts Plus Act: Be it

Further Resolved, That a copy of this resolution be forwarded to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and each member of the Alabama Congressional Delegation, so that each official may know of our support and interest in this important legislation.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1026: A bill to reauthorize the Export-Import Bank of the United States (Rept. No. 105–76).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal year 1998'' (Rept. No. 105–77).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees was submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner for the term of seven years from September 26, 1995.

Heidi H. Schulman, of California, to be Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services.

The following named officer for appointment as Chairman of the Joint Chiefs of Staff and appointment to the grade indicated under provisions of title 10, U.S.C., section 152:

To be general

General Henry H. Shelton, 4698.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Ms. MOSELEY-BRAUN):

S. 1160. A bill to provide for educational facilities improvement; read the first time.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, and Mr. GRAHAM):

S. 1161. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 121. A resolution urging the discontinuance of financial assistance to the Palestinian Authority unless and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

THE HUNA TOTEM CORPORATION LAND EXCHANGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation today on behalf of the Huna Totem Corp. and the residents of Hoonah, AK.

This bill would require the Huna Totem Corp. to convey ownership of approximately 1,999 acres of land needed as a municipal watershed to the U.S. Forest Service. This will ensure that the residents of Hoonah, AK, have a reliable source of clean water. In exchange for these lands the Huna Totem Corp. will be allowed to select other lands readily accessible to Hoonah in order to fulfill their ANCSA entitlement. This legislation also requires the exchange of lands to be of equal value and provides for additional compensation if needed. Lastly, the legislation requires that any potential timber harvested from land acquired by Huna Totem Corp not be available for export.

Mr. President, the city of Hoonah is located in southeast Alaska on the northeast part of Chichagoff Island.

Hoonah has been the home of the Huna people since the last advance of the great ice masses into Glacier Bay, forcing the Huna people to look for new homes. Since the Huna people had traditionally used the Hoonah area each summer as a subsistence harvesting area, it was natural for them to settle in the area now called Hoonah. The community has a population of approximately 918 residents and is located 40 miles from Juneau; Alaska's capital city.

Within the city of Hoonah is located the Huna Totem Corp., an Alaska Native Corp. formed pursuant to the Alaska Native Claims Settlement Act [ANCSA]. Huna Totem is the largest Tlingit Indian Village Corp. in southeast Alaska. Under the terms of ANCSA each village corporation had to select lands within the core township or townships in which all or part of the Native village is located.

In 1975, Huna Totem filed its ANCSA land selections within the 2 mile radius of the city of Hoonah as mandated by ANCSA. Since the community of Hoonah is located along the shoreline at the base of Hoonah Head Mountain, the surrounding lands are steep hillsides, cliffs, or are designated watershed for the municipal water sources. Most of the acres, approximately 1,999, of this land are not conducive to logging or development due to the topography and watershed limitations.

Therefore in order for the Huna Totem Corp. to receive full economic benefit of the lands promised to them under ANCSA, and for the city of Hoonah to protect its watershed, alternative lands must be sought for Huna Totem to seek revenue from.

The legislation I am offering today would achieve these goals. By authorizing a land exchange between the Huna Totem Corp. and the U.S. Forest Service the residents of Hoonah will be assured a safe supply of drinking water. Additionally, Huna Totem Corp. will be able to fully recognize the benefits promised under the Alaska Native Claims Settlement Act.

By. Mr. MURKOWSKI:

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes; to the Committee on Energy and Natural Resources.

THE KAKE LAND EXCHANGE ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce the Kake Tribal Land Exchange Act. This legislation would amend the Alaska Native Claims Settlement Act which authorized the transfer of 23,040 acres of land from the U.S. Government to Kake Tribal Corp. The land was transferred to Kake to recognize an immediate need for a fair and just settlement.

Unfortunately, Kake has not received the full beneficial use of its 23,040 acres because the city's watershed—over 2,400 acres—rest within Kake Tribal's lands. In order to protect the city's watershed and still receive beneficial use of their 23,040 acres we are proposing land exchange. This will assist the people of Kake, AK, as they move toward a safer, cleaner, and healthier future.

Under this proposal, Kake Tribal would exchange the watershed for other acres in southeast Alaska—thereby allowing Kake to receive its full entitlement under ANCSA. This legislation is of great importance to the residents of the community of Kake, AK.

This legislation will ensure protection of the Gunnuk Creek watershed which is the main water supply for the city of Kake as well as protect critical habitat for the Gunnuk Creek hatchery.

The legislation has received wide support in Alaska from diverse groups such as: the city of Kake, AK, the organized village of Kake, the Kake nonprofit fishery, the Alaska Federation of Natives, and Sealaska Corp. Additionally, the Governor of Alaska has written to me in support of this exchange.

This legislation is similar to legislation I introduced last year and held hearings on in the Energy and Natural Resources Committee. During these hearings the Forest Service objected to the bill for four reasons, all of which have been addressed in the legislation I now introduce.

The first issue was the potential selection of Berners Bay/Slate Lake Parcel. Kake has made it clear as evident in the maps that they have no intention of selecting that area. Second, was the potential that Kake would select established log transfer facilities. Again it is clear from the maps that these areas will not be selected. Third, was regarding subsurface issues with Sealaska which are not addressed in this current version of the bill. And finally, the USFS objected to this exchange because they did not want to manage the watershed. Since the hearing the city of Kake has said they want to enter into a cooperative agreement with the Forest Service to manage the watershed themselves.

Additionally, Mr. President there is a provision in this bill that assures Kake Tribal will receive appropriate compensation for the watershed lands to be exchanged. This is important because this legislation would require Kake Tribal to process any timber derived from the newly acquired lands in State, potentially reducing the value of lands received. Therefore, in order to provide for a fair compensation, under the terms of this legislation Kake Tribal could be eligible for additional compensation should the value of the newly acquired lands be deemed less than their original lands. Likewise, the United States could also benefit from this provision should a determination be made that the lands they are receiving are less valuable then those they are conveying.

I introduce this legislation with the confidence that it is the best interest of not only the citizens of Kake but with the knowledge that it is in the best interest of all Alaskans and Americans to protect drinking water for our communities. Lastly, this legislation will help fulfill out commitment to the Natives of Alaska that they will be treated fairly and justly under the Alaska Native Claims Settlement Act.

By Mr. DASCHLE (for himself and Ms. MOSELEY-BRAUN):

S. 1160. A bill to provide for educational facilities improvement; read the first time.

THE EDUCATIONAL FACILITIES IMPROVEMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing with my colleague from Illinois, Senator MOSELEY-BRAUN, a bill to help local communities expand schools that are overcrowded, and repair or replace schools that are crumbling, or obsolete.

As you know, the Labor-HHS Appropriations bill that we are currently considering on the floor includes $100 million for school construction and repair. This is an important step toward addressing what is a real and growing problem in this country.

The bill we are introducing today, the Educational Facilities Improvement Act, provides an additional $1.9 billion over the next 5 years. It represents the second installment in our efforts to upgrade the school buildings America's children attend.

Communities can use the money to underwrite a part of the interest costs on school construction projects. In so doing, they will be using these dollars to leverage additional resources from other sources.

This is an urgent priority. All over the country, children are returning to schools this month that are crowded or obsolete —even dangerous. Children are being taught in trailers. Some school yards have so many trailers outside that you can't tell if it's a playground or a trailer court.

We need to address this problem now, not next year, not sometime in the future. This is why we are using rule 14 to skip the normal committee process and bring our bill directly on the Senate calendar. We hope our Republican colleagues will join the call for an early vote on this critical issue.

We don't need committee hearings to know what the problem is. The GAO, the non-partisan Government Accounting Office, has already documented the problem. They say it will take $112 billion to bring all of America's schools up to par.

We obviously can't commit that many federal dollars. And we shouldn't. Public education has always been—and should remain—first and foremost a local responsibility.

But the sheer size of the problem requires that the Federal Government be a partner. We can't put America's educational house in order while our schools themselves are falling down. Students can't learn in classrooms that

are crowded and buildings that are crumbling. And most local communities can't afford to foot the whole school construction bill themselves. Our bill will help communities begin to fix the most urgent of the problems.

I urge my colleagues to support this important legislation. I ask unanimous consent that the bill and summary be included in the RECORD.

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

S. 1160

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Educational Facilities Improvement Act''.

SEC. 2. PROVISION OF ASSISTANCE FOR CONSTRUCTION AND RENOVATION OF EDUCATIONAL FACILITIES.

Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended—

(1) by repealing sections 12002 and 12003;

(2) by redesignating sections 12001 and 12004 through 12013, as sections 12101 and 12102 through 12111, respectively;

(3) by inserting after the title heading the following:

''SEC. 12001. FINDINGS.

''The Congress finds the following:

''(1) The General Accounting Office performed a comprehensive survey of the Nation's public elementary and secondary school facilities, and found severe levels of disrepair in all areas of the United States.

''(2) The General Accounting Office concluded more than 14,000,000 children attend schools in need of extensive repair or replacement. Seven million children attend schools with life safety code violations. Twelve million children attend schools with leaky roofs.

''(3) The General Accounting Office found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

''(4) The condition of school facilities has a direct affect on the safety of students and teachers, and on the ability of students to learn.

''(5) Academic research has proven a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers found students assigned to schools in poor condition can be expected to fall 10.9 percentage points below those in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

''(6) The General Accounting Office found most schools are not prepared to incorporate modern technology into the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

''(7) The Department of Education reported that elementary and secondary school enrollment, already at a record high level, will continue to grow during the period between 1996 and 2000, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools over this time period.

''(8) The General Accounting Office found it will cost $112,000,000,000 just to bring schools up to good, overall condition, not including the cost of modernizing schools so the schools can utilize 21st century technology, nor including the cost of expansion to meet record enrollment levels.

''(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

''(10) The Federal Government can support elementary and secondary school facilities, and can leverage additional funds for the improvement of elementary and secondary school facilities.

''SEC. 12002. PURPOSE.

''The purpose of this title is to help State and local authorities improve the quality of education at their public schools through the provision of Federal funds to enable the State and local authorities to meet the cost associated with the improvement of school facilities within their jurisdictions.

''PART A—GENERAL INFRASTRUCTURE IMPROVEMENT GRANT PROGRAM'';

and

(4) by adding at the end the following:

''PART B—CONSTRUCTION AND RENOVATION BOND SUBSIDY PROGRAM

''SEC. 12201. DEFINITIONS.

''As used in this part:

''(1) EDUCATIONAL FACILITY.—The term 'educational facility' has the meaning given the term 'school' in section 12110.

''(2) LOCAL AREA.—The term 'local area' means the geographic area served by a local educational agency.

''(3) LOCAL BOND AUTHORITY.—The term 'local bond authority' means—

''(A) a local educational agency with authority to issue a bond for construction or renovation of educational facilities in a local area; and

''(B) a political subdivision of a State with authority to issue such a bond for an area including a local area.

''(4) POVERTY LINE.—The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 12202. AUTHORIZATION OF PROGRAM.

''(a) PROGRAM AUTHORITY.—Of the amount appropriated under section 12210 for a fiscal year and not reserved under subsection (b), the Secretary shall use—

''(1) 33 percent of such amount to award grants to local bond authorities for not more than 125 eligible local areas as provided for under section 12203; and

''(2) 67 percent of such amount to award grants to States as provided for under section 12204.

''(b) SPECIAL RULE.—The Secretary may reserve—

''(1) not more than 1.5 percent of the amount appropriated under section 12210 to provide assistance to Indian schools in accordance with the purpose of this title;

''(2) not more than 0.5 percent of the amount appropriated under section 12210 to provide assistance to Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to carry out the purpose of this title; and

''(3) not more than 0.1 percent of the amount appropriated under section 12210 to carry out section 12209.

''SEC. 12203. DIRECT GRANTS TO LOCAL BOND AUTHORITIES.

''(a) IN GENERAL.—The Secretary shall award a grant under section 12202(a)(1) to eligible local bond authorities to provide assistance for construction or renovation of educational facilities in a local area.

''(b) USE OF FUNDS.—The local bond authority shall use amounts received through a grant made under section 12202(a)(1) to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

''(c) ELIGIBILITY AND DETERMINATION.—

''(1) ELIGIBILITY.—To be eligible to receive a grant under section 12202(a)(1) for a local area, a local bond authority shall demonstrate the capacity to issue a bond for an area that includes 1 of the 125 local areas for which the Secretary has made a determination under paragraph (2).

''(2) DETERMINATION.—

''(A) MANDATORY.—The Secretary shall make a determination of the 100 local areas that have the highest numbers of children who are—

''(i) aged 5 to 17, inclusive; and

''(ii) members of families with incomes that do not exceed 100 percent of the poverty line.

''(B) DISCRETIONARY.—The Secretary may make a determination of 25 local areas, for which the Secretary has not made a determination under subparagraph (A), that have extraordinary needs for construction or renovation of educational facilities that the local bond authority serving the local area is unable to meet.

''(d) APPLICATION.—To be eligible to receive a grant under section 12202(a)(1), a local bond authority shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) an assurance that the application was developed in consultation with parents and classroom teachers;

''(2) information sufficient to enable the Secretary to make a determination under subsection (c)(2) with respect to such local authority;

''(3) a description of the architectural, civil, structural, mechanical, or electrical construction or renovation to be supported with the assistance provided under this part;

''(4) a cost estimate of the proposed construction or renovation;

''(5) an identification of other resources, such as unused bonding capacity, that are available to carry out the activities for which assistance is requested under this part;

''(6) a description of how activities supported with funds provided under this part will promote energy conservation; and

''(7) such other information and assurances as the Secretary may require.

''(e) AWARD OF GRANTS.—

''(1) IN GENERAL.—In awarding grants under section 12202(a)(1), the Secretary shall give preference to a local bond authority based on—

''(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks a grant (as appropriate) meets the criteria described in section 12103(a);

''(B) the extent to which the educational facility is overcrowded; and

''(C) the extent to which assistance provided through the grant will be used to fund

construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

''(2) AMOUNT OF ASSISTANCE.—

''(A) IN GENERAL.—In determining the amount of assistance for which local bond authorities are eligible under section 12202(a)(1), the Secretary shall—

''(i) give preference to a local bond authority based on the criteria specified in paragraph (1); and

''(ii) consider—

''(I) the amount of the cost estimate contained in the application of the local bond authority under subsection (d)(4);

''(II) the relative size of the local area several by the local bond authority; and

''(III) any other factors determined to be appropriate by the Secretary.

''(B) MAXIMUM AMOUNT OF ASSISTANCE.—A local bond authority shall be eligible for assistance under section 12202(a)(1) in an amount that does not exceed the appropriate percentage under section 12204(f)(3) of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area involved.

''SEC. 12204. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary shall award a grant under section 12202(a)(2) to each eligible State to provide assistance to the State, or local bond authorities in the State, for construction and renovation of educational facilities in local areas.

''(b) USE OF FUNDS.—The State shall use amounts received through a grant made under section 12202(a)(2)—

''(1) to pay a portion of the interest costs applicable to any State bond issued to finance an activity described in section 12205 with respect to the local areas; or

''(2) to provide assistance to local bond authorities in the State to pay a portion of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local areas.

''(c) AMOUNT OF GRANT TO STATE.—

''(1) IN GENERAL.—From the amount available for grants under section 12202(a)(2), the Secretary shall award a grant to each eligible State that is equal to the total of—

''(A) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under part A of title I for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such part for such year; and

''(B) a sum that bears the same relationship to 50 percent of such amount as the total amount of funds made available for all eligible local educational agencies in the State under title VI for such year bears to the total amount of funds made available for all eligible local educational agencies in all States under such title for such year.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—For the purpose of paragraph (1) the term 'eligible local educational agency' means a local educational agency that does not serve a local area for which an eligible local bond authority received a grant under section 12203.

''(d) STATE APPLICATIONS REQUIRED.—To be eligible to receive a grant under section 12202(a)(2), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall contain—

''(1) a description of the process the State will use to determine which local bond authorities will receive assistance under subsection (b)(2).

''(2) an assurance that grant funds under this section will be used to increase the amount of school construction or renovation in the State for a fiscal year compared to such amount in the State for the preceding fiscal years.

''(e) ADMINISTERING AGENCY.—

''(1) IN GENERAL.—The State agency with authority to issue bonds for the construction or renovation of educational facilities, or with the authority to otherwise finance such construction or renovation, shall administer the amount received through the grant.

''(2) SPECIAL RULE.—If no agency described in paragraph (1) exists, or if there is more than one such agency, then the chief executive officer of the State and the chief State school officer shall designate a State entity or individual to administer the amounts received through the grant.

''(f) ASSISTANCE TO LOCAL BOND AUTHORITIES.—

''(1) IN GENERAL.—To be eligible to receive assistance from a State under this section, a local bond authority shall prepare and submit to the State agency designated under subsection (e) an application at such time, in such manner, and containing such information as the State agency may require, including the information described in section 12203(d).

''(2) CRITERIA.—In awarding grants under this section, the State agency shall give preference to a local bond authority based on—

''(A) the extent to which the local educational agency serving the local area involved or the educational facility for which the authority seeks the grant (as appropriate) meets the criteria described in section 12103(a);

''(B) the extent to which the educational facility is overcrowded; and

''(C) the extent to which assistance provided through the grant will be used to fund construction or renovation that, but for receipt of the grant, would not otherwise be possible to undertake.

''(3) AMOUNT OF ASSISTANCE.—A local bond authority seeking assistance for a local area served by a local educational agency described in—

''(A) clause (i)(I) or clause (ii)(I) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 10 percent;

''(B) clause (i)(II) or clause (ii)(II) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 20 percent;

''(C) clause (i)(III) or clause (ii)(III) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 30 percent;

''(D) clause (i)(IV) or clause (ii)(IV) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 40 percent; and

''(E) clause (i)(V) or clause (ii)(V) of section 1125(c)(2)(A), shall be eligible for assistance in an amount that does not exceed 50 percent;

of the interest costs applicable to any local bond issued to finance an activity described in section 12205 with respect to the local area.

''(g) ASSISTANCE TO STATE.—

''(1) IN GENERAL.—If a State issues a bond to finance an activity described in section 12205 with respect to local areas, the State shall be eligible for assistance in an amount that does not exceed the percentage calculated under the formula described in paragraph (2) of the interest costs applicable to the State bond with respect to the local areas.

''(2) FORMULA.—The Secretary shall develop a formula for determining the percentage referred to in paragraph (1). The formula shall specify that the percentage shall consist of a weighted average of the percentages referred to in subparagraphs (A) through (E) of subsection (f)(3) for the local areas involved.

''SEC. 12205. AUTHORIZED ACTIVITIES.

''An activity described in this section is a project of significant size and scope that consists of—

''(1) the repair or upgrading of classrooms or structures related to academic learning, including the repair of leaking roofs, crumbling walls, inadequate plumbing, poor ventilation equipment, and inadequate heating or light equipment;

''(2) an activity to increase physical safety at the educational facility involved;

''(3) an activity to enhance the educational facility involved to provide access for students, teachers, and other individuals with disabilities;

''(4) an activity to improve the energy efficiency of the educational facility involved;

''(5) an activity to address environmental hazards at the educational facility involved, such as poor ventilation, indoor air quality, or lighting;

''(6) the provision of basic infrastructure that facilitates educational technology, such as communications outlets, electrical systems, power outlets, or a communication closet;

''(7) the construction of new schools to meet the needs imposed by enrollment growth; and

''(8) any other activity the Secretary determines achieves the purpose of this title.

''SEC. 12206. STATE GRANT WAIVERS.

''(a) WAIVER FOR STATE ISSUANCE OF BOND.—

''(1) IN GENERAL.—A State that issues a bond described in section 12204(b)(1) with respect to a local area may request that the Secretary waive the limits described in section 12204(f)(3) for the local area, in calculating the amount of assistance the State may receive under section 12204(g). The State may request the waiver only if no local entity is able, for one of the reasons described in subparagraphs (A) through (F) of paragraph (2), to issue bonds on behalf of the local area. Under such a waiver, the Secretary may permit the State to use amounts received through a grant made under section 12202(a)(2) to pay for not more than 80 percent of the interest costs applicable to the State bond with respect to the local area.

''(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that—

''(A) the local bond authority serving the local area has reached a limit on its borrowing authority as a result of a debt ceiling or property tax cap;

''(B) the local area has a high percentage of low-income residents, or an unusually high property tax rate;

''(C) the demographic composition of the local area will not support additional school spending;

''(D) the local bond authority has a history of failed attempts to pass bond referenda;

''(E) the local area contains a significant percentage of Federally-owned land that is not subject to local taxation; or

''(F) for another reason, no local entity is able to issue bonds on behalf of the local area.

''(b) WAIVER FOR OTHER FINANCING SOURCES.—

''(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a local bond authority to permit the State to provide assistance to the local bond authority to finance

construction or renovation by means other than through the issuance of bonds.

''(2) USE OF FUNDS.—A State that receives a waiver granted under this subsection may provide assistance to a local bond authority in accordance with the criteria described in section 12204(f)(2) to enable the local bond authority to repay the costs incurred by the local bond authority in financing an activity described in section 12205. The local bond authority shall be eligible to receive the amount of such assistance that the Secretary estimates the local bond authority would be eligible to receive under section 12204(f)(3) if the construction or renovation were financed through the issuance of a bond.

''(3) MATCHING REQUIREMENT.—The State shall make available to the local bond authority (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the local bond authority through the grant.

''(c) WAIVER FOR OTHER USES.—

''(1) IN GENERAL.—A State may request that the Secretary waive the use requirements of section 12204(b) for a State to permit the State to carry out activities that achieve the purpose of this title.

''(2) DEMONSTRATION BY STATE.—To be eligible to receive a waiver under this subsection, a State shall demonstrate to the satisfaction of the Secretary that the use of assistance provided under the waiver—

''(A) will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation; and

''(B) will be used to fund activities that are effective in carrying out the activities described in section 12205, such as—

''(i) the capitalization of a revolving loan fund for such construction or renovation;

''(ii) the use of funds for reinsurance or guarantees with respect to the financing of such construction or renovation;

''(iii) the creation of a mechanism to leverage private sector resources for such construction or renovation;

''(iv) the capitalization of authorities similar to State Infrastructure Banks to leverage additional funds for such construction or renovation; or

''(v) any other activity the Secretary determines achieves the purpose of this title.

''(d) LOCAL BOND AUTHORITY WAIVER.—

''(1) IN GENERAL.—A local bond authority may request the Secretary waive the use requirements of section 12203(b) for a local head authority to permit the authority to finance construction or renovation of educational facilities by means other than through use of bonds.

''(2) DEMONSTRATION.—To be eligible to receive a waiver under this subsection, a local bond authority shall demonstrate that the amounts made available through a grant under the waiver will result in an equal or greater amount of construction or renovation of educational facilities than the provision of assistance to defray the interest costs applicable to a bond for such construction or renovation.

''(e) REQUEST FOR WAIVER.—A State or local bond authority that desires a waiver under this section shall submit a waiver request to the Secretary that—

''(1) identifies the type of waiver requested;

''(2) with respect to a waiver described in subsection (a), (c), or (d), makes the demonstration described in subsection (a)(2), (c)(2), or (d)(2), respectively;

''(3) describes the manner in which the waiver will further the purpose of this title; and

''(4) describes the use of assistance provided under such waiver.

''(f) ACTION BY SECRETARY.—The Secretary shall make a determination with respect to a request submitted under subsection (d) not later than 90 days after the date on which such request was submitted.

''(g) GENERAL REQUIREMENTS.—

''(1) STATES.—In the case of a waiver request submitted by a State under this section, the State shall—

''(A) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

''(B) submit the comments to the Secretary; and

''(C) provide notice and information to the public regarding the waiver request in the manner that the applying State customarily provides similar notices and information to the public.

''(2) LOCAL BOND AUTHORITIES.—In the case of a waiver request submitted by a local bond authority under this section, the local bond authority shall—

''(A) provide the affected local educational agency with notice and a reasonable opportunity to comment on the request;

''(B) submit the comments to the Secretary; and

''(C) provide notice and information to the public regarding the waiver request in the manner that the applying local bond authority customarily provides similar notices and information to the public.

''SEC. 12207. GENERAL PROVISIONS.

''(a) FAILURE TO ISSUE BONDS.—

''(1) STATES.—If a State that receives assistance under this part fails to issue a bond for which the assistance is provided, the amount of such assistance shall be made available to the State as provided for under section 12204, during the first fiscal year following the date of repayment.

''(2) LOCAL BOND AUTHORITIES AND LOCAL AREAS.—If a local bond authority that receives assistance under this part fails to issue a bond, or a local area that receives such assistance fails to become the beneficiary of a bond, for which the assistance is provided, the amount of such assistance—

''(A) in the case of assistance received under section 12202(a)(1), shall be repaid to the Secretary and made available as provided for under section 12203; and

''(B) in the case of assistance received under section 12202(a)(2), shall be repaid to the State and made available as provided for under section 12204.

''(b) LIABILITY OF THE FEDERAL GOVERNMENT.—The Secretary shall not be liable for any debt incurred by a State or local bond authority for which assistance is provided under this part. If such assistance is used by a local educational agency to subsidize a debt other than the issuance of a bond, the Secretary shall have no obligation to repay the lending institution to whom the debt is owed if the local educational agency defaults.

''SEC. 12208. FAIR WAGES.

''The provisions of section 12107 shall apply with respect to all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part using assistance provided under this part.

''SEC. 12209. REPORT.

''From amounts reserved under section 12202(b)(3) for each fiscal year the Secretary shall—

''(1) collect such data as the Secretary determines necessary at the school, local, and State levels;

''(2) conduct studies and evaluations, including national studies and evaluations, in order to—

''(A) monitor the progress of activities supported with funds provided under this part; and

''(B) evaluate the state of United States educational facilities; and

''(3) report to the appropriate committees of Congress regarding the findings of the studies and evaluations described in paragraph (2).

''SEC. 12210. FUNDING.

''(a) IN GENERAL.—There are appropriated $1,900,000,000 for fiscal year 1998 to carry out this part.

''(b) ENTITLEMENT.—Subject to subsection (a), each State or local bond authority awarded a grant under this part shall be entitled to payments under the grant.

''(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) CROSS REFERENCES.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by section 2(3)) is amended—

(1) in section 12102(a) (as redesignated by section 2(2))—

(A) in paragraph (1)—

(i) by striking ''12013'' and inserting ''12111'';

(ii) by striking ''12005'' and inserting ''12103''; and

(iii) by striking ''12007'' and inserting ''12105''; and

(B) in paragraph (2), by striking ''12013'' and inserting ''12111''; and

(2) in section 12110(3)(C) (as redesignated by section 2(2)), by striking ''12006'' and inserting ''12104''.

(b) CONFORMING AMENDMENTS.—Part A of title XII of the Elementary and Secondary Education Act of 1965 (as redesignated by section 2(3)) (20 U.S.C. 8501 et seq.) is further amended—

(1) in section 12101 (as redesignated by section 2(2)), by striking ''This title'' and inserting ''This part''; and

(2) in sections 12102(a)(2), 12102(b)(1), 12103(a), 12103(b), 12103(b)(2), 12103(c), 12103(d), 12104(a), 12104(b)(2), 12104(b)(3), 12104(b)(4), 12104(b)(6), 12104(b)(7), 12105(a), 12105(b), 12106(a), 12106(b), 12106(c), 12106(c)(1), 12106(c)(7), 12106(e), 12107, 12108(a)(1), 12108(a)(2), 12108(b)(1), 12108(b)(2), 12108(b)(3), 12108(b)(4), 12109(2)(A), and 12110 (as redesignated by section 2(2)), by striking ''this title'' each place it appears and inserting ''this part''.

SEC. 4. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Subsection (c) of section 904 of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1997.

EDUCATIONAL FACILITIES IMPROVEMENT ACT—FACT SHEET

NEED FOR ACTION

Democrats continue to believe that Federal support for education is one of the best investments our nation can make to ensure

its secure and prosperous future. For our students to learn, they must be in a physical environment that is conducive to learning. Unfortunately, our nation's schools are in disrepair: about one third of all schools need extensive repair or replacement, and about 60 percent of schools have at least one major problem, such as a leaky roof or crumbling walls.

SUMMARY

The Educational Facilities Improvement Act provides $1.9 billion over 5 years to pay a portion of the interest cost on state and local bond issues used to finance public elementary and secondary school repair, renovation, modernization, and construction projects.

After set-asides for Indian Schools, U.S. territories, and evaluations, 33 percent of the funds will be administered by the Secretary of Education for competitive awards to the 100 school districts with the largest numbers of poor children, and 25 other districts with extraordinary needs. The remaining 67 percent will be distributed to states according to a formula that takes into account school-age population, poverty, and other criteria. States will set up competitive programs to award these funds to school districts. School districts will be eligible for a subsidy of up to 50 percent of the interest cost on the bonds, using a sliding scale based on need.

AUTHORIZED ACTIVITIES

The new program funds may be used to:

Repair or upgrade classrooms or structures related to academic learning, including the repair of leaking roofs, crumbling walls, inadequate plumbing, poor ventilation, and heating or light problems; increase physical safety; enhance access for students, teachers or others with disabilities; improve energy efficiency; address environmental hazards; provide the basic infrastructure to facilitate educational technology, such as communications outlets and closets, electrical systems, and power outlets; construct new schools to meet the needs imposed by growth; or conduct any other related activity identified and approved by the Secretary.

DISTRIBUTION OF THE FUNDS

Of the new funds, 1.5 percent would be reserved for Indian schools, and 0.5 percent would be reserved for the U.S. territories to be administered at the discretion of the Secretary. Not more than 0.1 percent would be set aside for the Secretary to collect data, study the condition of elementary and secondary schools, evaluate the program, and report the findings to Congress.

Of the remaining funds, 33 percent would be reserved for administration by the Secretary to the 100 school districts with the largest numbers of poor children, as well as to 25 additional districts at the discretion of the Secretary. The remaining 67 percent would be reserved for administration by the states to local education agencies.

FUNDS TO LOCAL BOND AUTHORITIES

Under this program, 33 percent of the funding will be administered directly by the Secretary of Education. School districts will be eligible for up to a 50-percent interest rate subsidy, using a sliding scale based on need. The 100 school districts with the largest numbers of poor children will be eligible to apply directly to the Secretary for the interest-rate subsidy. Eligible districts will be the top 100 with the highest levels of children ages 5 to 17 living in poverty. In addition, the Secretary may designate up to 25 additional districts for direct grants, based on their extraordinary needs.

The Secretary will award grants to districts based on a number of criteria, including the numbers of poor children in that district, the overall age and condition of the schools and their potential threat to children's health and safety, the extent of overcrowding, the extent to which construction would otherwise not occur, and other factors.

FUNDS TO STATES

Of the remaining funds, 67 percent will be administered directly by the states. The states must submit an application to the Secretary describing the criteria the state will use to award funds within the state. States can use the money to subsidize local bond issues or to subsidize state bonds issued on behalf of the school districts.

The federal government will award the funds to the states based on a two-part formula. Half of the funds will be based on the state's share of federal Title I funds, and half will be based on the state's share of federal Title VI funds. School districts that receive direct grants from the Secretary will be excluded from the calculations used to determine the state-by-state allocations.

FUNDING

The amendment is funded at $1.9 billion, to remain available until obligated. It is paid for by restructuring the foreign tax credit carryover rules passed by the Senate and left on the table during conference on the tax bill (Section 867 of the Senate bill). This proposal would cut the current carryback period for taxpayers with unused foreign tax credits from 2 years to one, while extending the carryforward period from 5 to 7 years.

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to join the Minority Leader, Senator DASCHLE, to introduce the Education Facilities Improvement Act. This bill will form a partnership among the national, State, and local governments to rebuild and modernize our Nation's crumbling schools.

According to the U.S. General Accounting Office, it will cost $112 billion to bring existing school buildings up to code—to patch the leaky roofs, replace the broken windows, fix the plumbing, and make other needed repairs. That price tag, as enormous as it sounds, does not include the cost of building new schools to accommodate the record numbers of children who are crowding our schools, nor the cost of upgrading classrooms for modern computers.

Local school districts cannot afford to meet these challenges on their own. The local property tax, which made sense as a funding mechanism when wealth was accumulated in the form of land, no longer works as a means of funding major capital investments. In urban, rural, and suburban schools all across the country, the magnitude of the crumbling schools problem has dwarfed local financing capabilities.

In Chicago, Mayor Daley announced Monday that the city would issue 800 million dollars' worth of bonds to build new schools, renovate old ones, and modernize every school in the system. With an improved bond rating, Chicago has financed almost 1.5 billion dollars' worth of school improvements in the last 2 years. Chicago schools, however, need 3 billion dollars' worth of improvements.

The problem is not confined to big cities like Chicago. The GAO found that in urban areas, 38 percent of schools are crumbling, while in rural areas the figure is 30 percent, and in the suburbs, it's 29 percent.

At the New Burnside Center in Tunnel Hill, IL, the track team was for a time forced to practice at the local prison. The prison had a track. The school did not. They no longer offer track at New Burnside, because some parents objected to their children being sent to the prison to practice. The lack of an adequate tax base means too many schools in rural areas can barely meet the basic costs of educating children, let alone the costs of major capital improvements.

In the suburbs also, our outdated method of paying for public schools has taken its toll. Principal Rita Melius, from the Abbott middle school in Waukegan, a suburb north of Chicago, was here in Washington this morning to discuss this issue. Children in her suburban school have to cope with the same kinds of leaky roofs and crumbling walls as their innercity peers. The school has even had several fires caused when computers overloaded the ancient electrical wiring.

The Education Facilities Improvement Act will provide $1.9 billion over 5 years to help Waukegan, Chicago, New Burnside, and schools across the country that simply cannot meet their facilities needs on their own. It will make the Government a partner in public education, while preserving local control of curriculum and educational content. This bill recognizes that education is a public good, as well as an individual benefit, and that every American benefits when we provide educational opportunities in environments suitable for learning.

Winston Churchill said, ''We shape our buildings; thereafter, they shape us.'' Nowhere is that more true than in our schools. You certainly can't use a computer if you can't plug it into the wall, and we cannot expect our children to learn in schools that are falling down around them.

I hope all of my colleagues will consider the conditions of schools in their States and join us in sponsoring this important legislation.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 61

At the request of Mr. LOTT, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 322

At the request of Mr. GRAMS, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 442

At the request of Mr. WYDEN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 493

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 599

At the request of Mrs. BOXER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 711

At the request of Mr. BREAUX, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 711, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 755

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 927

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

S. 1008

At the request of Mr. DURBIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

S. 1084

At the request of Mr. INHOFE, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. GLENN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1123

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1123, a bill to amend the Internal Revenue Code of 1986 relating to the unemployment tax for individuals employed in the entertainment industry.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Colorado [Mr. ALLARD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

AMENDMENT NO. 1087

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of amendment No. 1087 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. HARKIN his name was added as a cosponsor of amendment No. 1087 proposed to S. 1061, supra.

AMENDMENT NO. 1098

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1098 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of amendment No. 1101 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of amendment No. 1112 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1116

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 1116 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1118

At the request of Mrs. MURRAY, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of amendment No. 1118 proposed to

S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1122

At the request of Mr. GRAMM, his name was added as a cosponsor of amendment No. 1122 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. GORTON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of amendment No. 1122 proposed to S. 1061, supra.

SENATE RESOLUTION 121—RELATIVE TO THE PALESTINIAN AUTHORITY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 121

Whereas United States law requires the Palestinian Authority to exert a maximum 100-percent effort to fight terrorism in order to continue to receive United States foreign assistance;

Whereas the Palestinian Authority has failed to make that 100-percent maximum effort as evidenced by Chairman Yassir Arafat's open embrace of Hamas leader Abdel Aziz al-Rantisi on August 20, 1997;

Whereas a Palestinian terrorist bombed a Tel Aviv restaurant on March 21, 1997, killing 3 Israelis and wounding 12 others;

Whereas 2 Hamas suicide bombers attacked a crowded outdoor market in Jerusalem on July 30, 1997, killing 13 Israelis and wounding over 150 others;

Whereas 3 Hamas suicide bombers detonated their bombs in a popular pedestrian mall in Jerusalem on September 4, 1997, killing 5 Israelis and wounding approximately 170 others;

Whereas Secretary of State Madeleine Albright conceded in testimony before the Appropriations Subcommittee on Foreign Operations on May 22, 1997 that Chairman Arafat had not given a red light to stop Palestinian terrorism;

Whereas in fact the Palestine Liberation Organization (PLO) and the Palestinian Authority are at war with Israel;

Whereas the PLO has built up a police force of more than 30,000 men and armed it with sophisticated weapons; and

Whereas continued United States assistance and assistance from allies of the United States will only strengthen the ability of the PLO to continue terrorism and ultimately wage an all-out war: Now, therefore, be it

Resolved, That the United States should discontinue all financial assistance to the Palestinian Authority, and the United States should urge allies of the United States to do the same, unless and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism.

Mr. SPECTER. Mr. President, in the 7 minutes intervening, I will utilize this time to submit a resolution which I had discussed extensively yesterday calling for the United States to cease any financial aid to the Palestinian Authority and for the United States to use its best efforts to persuade all of our allies to do the same thing.

I believe that that course of action is necessary to change our policy in the Mideast, because there is no peace process. There is a great deal of talk about a peace process, but the reality, the brutal fact of life is that there is no peace process. But there is a war of terrorism, a one-sided war being waged by the Palestinians against Israel.

The brutal fact of life, Mr. President, is that terrorism has replaced open warfare as a way of gaining military advantage. The wars which have been fought against Israel, the open warfare, has been unsuccessful, so this practice of terrorism is being pursued. The financial aid which has come from the United States and our allies has been used to build up the Palestinian Authority in many ways, including a 30,000-person police force, armed with highly sophisticated weapons.

When Prime Minister Netanyahu made the accusation, after the March 21 bombing of the Tel Aviv cafe, that Chairman Arafat had given a green light, I sought a response from the Secretary of State. In her testimony a few weeks ago before the Foreign Operations Subcommittee, Secretary of State Albright said there had not been a green light, but also there had not been a red light.

Mr. President, United States law requires that the Palestinian Authority make the maximum effort to stop terrorism. The Palestinian Authority is not a guarantor, but they have an obligation to make a maximum effort to stop terrorism. And since the March 21 terrorist attack, we have seen the July 30 terrorist attack, we have seen the embrace by Chairman Arafat of the Hamas leader, the picture seen around the world, comparable to the shot heard around the world, where in no uncertain terms Chairman Arafat is saying that he condones what Hamas has done and even encourages Hamas to do more. Then, on September 4, we had the most recent terrorist attack.

These three terrorist attacks in the course of the past 6 months have killed 21 Israelis and wounded 330 other Israelis. So where is the peace process? There is none. The emperor has no clothes. It is time we recognized that fact.

We have had, in addition, a report from an Israeli cabinet officer, Deputy Education Minister Moshe Peled, that Chairman Arafat knew in advance of the 1993 World Trade Center bombing that it was going to occur. If that is in fact true, Chairman Arafat is an accessory before the fact, and that is a form of conspiracy and, under our statutes, subject to trial in a United States court.

When I saw that charge I asked the Department of Justice to investigate. And we do have information that Mr. Peled was questioned by the FBI for some 2 hours but we do not know the results of that inquiry.

I have discussed with the distinguished majority leader the issue about the necessity for bringing this matter to a head to provide some leadership on foreign policy where our Senate has the standing to do so.

You just heard a lengthy distinguished speech by Senator BIDEN, the ranking Democrat on the Foreign Relations Committee. The leadership has been taken by Senator HELMS and others, and we have constitutional authority to act.

Where the administration continues to supply funds to the Palestinian Authority, and those funds directly and indirectly go to build up the Palestinian Army, that is a practice which should be stopped.

The administration had further talked about going to final settlement discussions between Israel and the Palestinians. Of course, that is a matter for the Israelis and the Palestinians to decide. But, I believe that it is an unwise policy for the United States to push that approach because the principles of the Camp David accord and the Oslo accord were to build up confidence, to have relationships which would build up and lead to final status negotiations when there was a basis for the Israelis and the Palestinians living side by side. Regrettably, that is not possible.

We have repeated statements by Chairman Arafat and others of a belligerent nature spewing hatred. We have hatred being talked about in the schools. We have an atmosphere which hardly is conducive to final negotiation status. There had been talk after the Oslo accord of deferring the issue of a Palestinian State. The concern had been that there would be a Trojan horse, a secret Palestinian State inside of Israel.

Well, that has not happened. It has not been secret. It has been open. You have a 30,000-person police force, military operation with sophisticated weapons. You have the chief of police who has been charged by the Israeli authorities with being involved in terrorist attacks and information from the United States.

I spoke at some length about this yesterday, Mr. President. My comments are necessarily abbreviated today because there has only been a period of 7 minutes from the time I started until the 5 o'clock vote which is due to start soon.

Today, I talked to our distinguished chairman of the Foreign Relations Committee about hearings on this subject, as I had discussed with Senator LOTT. I believe that when Secretary of State Albright returns from the Mideast, it would be a good opportunity to hear from her about administration policy and to hear from the Attorney General and the FBI Director about what is happening with the investigation as to Chairman Arafat's possible complicity in the World Trade Center bombing.

So I file the resolution, Mr. President. We are in the process of getting cosponsors.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

WELLSTONE AMENDMENT NO. 1126

Mr. WELLSTONE proposed an amendment to amendment No. 1078 proposed by Mr. DURBIN in the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of the amendment, add the following: ''Nothing in this Act may be construed to interfere with, or abrogate, any agreement previously entered into between any state and any private attorney or attorneys with respect to litigation involving tobacco.''

DURBIN AMENDMENT NO. 1127

Mr. DURBIN proposed an amendment to amendment No. 1078 proposed by him to the bill, S. 1061, supra; as follows:

At the end of the amendment, insert the following:

''SEC. . SENSE OF THE SENATE.—It is the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health.''

RESOLUTION ON NATIONAL HISTORICALLY BLACK COLLEGE AND UNIVERSITIES

THURMOND AMENDMENT NO. 1128

Mr. GORTON (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 111) designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week,'' and for other purposes; as follows:

On page 1, in the first clause, strike ''116'' and insert ''104''.

On page 2, line 3, strike ''14'' and insert ''21''.

Amend the title to read as follows: ''A resolution designating the week beginning September 21, 1997, as 'National Historically Black Colleges and Universities Week', and for other purposes.''.

THE NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

CHAFEE AMENDMENT NO. 1129

Mr. GORTON (for Mr. CHAFEE) proposed an amendment to the bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; as follows:

On page 4, line 11, insert ''wildlife-dependent recreational use or any other'' after ''means a''.

On page 11, line 19, strike ''and''.

On page 11, strike lines 22 and 23 and insert the following: ''fish and wildlife agencies during the course of acquiring and managing refuges; and

''(N) monitor the status and trends of fish, wildlife, and plants in each refuge.''.

On page 15, line 8, before the semicolon, insert the following: '', except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 17, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public land exchange, and for other purposes, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 10, 1997, at 9:30 a.m. on the nominations of Heidi Shulman and Katherine Anderson to be members of the Board of Directors of the Corporation for Public Broadcasting, Robert Mallett to be Deputy Secretary and W. Scott Gould be an Assistant Secretary of the Department of Commerce, and Sheila Foster Anthony to be a Federal Trade Commissioner.

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

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 10, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 1997, at 2:30 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 10, at 10 a.m., for a hearing on campaign financing issues.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 10, 1997, at 2:30 p.m. to hold a closed briefing on intelligence matters.

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

ADDITIONAL STATEMENTS

SUPPORTING SECRETARY OF STATE ALBRIGHT'S MIDDLE EAST PEACE MISSION

● Mr. LIEBERMAN. Mr. President, I rise today in sadness at the great crisis which threatens to end the Oslo Peace Process in the Middle East. The crisis, as we know, has been caused by the most recent cowardly and criminal acts of those who are enemies of not only the peace process but of the Israeli and Palestinian people themselves.

My hope is that a solution to the crisis may be found through the ingenuity, faith, and the actions of those who have the courage to rise above hatred and suspicion. It is for that reason and in that spirit that I wish to express my strongest support for the mission of Secretary of State Albright to the Middle East this week.

The recent bombings in Jerusalem were detestable acts of terrorism which had only one purpose—killing the peace process. Both Israelis and Palestinians alike will be the victims if the criminals succeed.

Secretary Albright's mission is nothing less than an attempt to save the peace process. But the peace process can recover and move forward only in a secure environment, and the Secretary has properly identified security as the primary and essential focus of her trip. This, I must emphasize, must be transparently as important to the Palestinian Authority as it is to the Government of Israel. Those that have planned and carried out these acts of terrorism against Israel have at the same time weakened the Palestinian Authority.

Chairman Arafat and the Palestinian Authority must address this problem at its root and without equivocation. The coordination of security efforts is not and cannot be a bargaining chip to be turned on or off at will. There can be no tolerance for the perpetrators of violence—those who plan, finance, supply, or abet terrorism must be arrested, prosecuted, and imprisoned. No exceptions and no revolving doors.

Prime Minister Netanyahu has stated that there can be no peace without security. This is a commitment we share, and a commitment that must be evidenced by the Palestinian Authority beyond question through its own unilateral actions. At the same time, and as noted by Secretary Albright, we do not ask the impossible and, against suicide terrorists, cannot expect 100-percent success. There must, however, be nothing other than a 100-percent effort in this regard by the leadership of the Palestinian Authority.

With this security perspective as the foundation, there must also be a political environment that makes it possible to rebuild the trust that has been a victim of the violence and move ahead to achieve a peace for all. Prime Minister Netanyahu has expressed his commitment to ''a peace that will surprise the world.'' We must encourage all parties to embrace such a commitment, and I fully support the Secretary in her efforts to that end.●

MAKING BOB HOPE AN HONORARY VETERAN

● Mr. HAGEL. Mr. President, I join my colleagues in praising a man who has contributed more to the morale and well being of American fighting men and women than anyone else in the 20th century. In every conflict where our forces have gone to uphold freedom or to deter aggression Bob Hope has traveled with them. As president of the USO, I worked closely with Bob Hope on many trips to visit our troops around the world. As a combat veteran of the war in Vietnam, I know personally how much he improved the lives of young Americans in Southeast Asia. The places where he entertained the troops were often dangerous areas where the enemy had the opportunity to attack. Bob Hope went there anyway, because he knew what he was doing was important to those ordinary soldiers. He may have been in danger, but our military personnel were in even greater danger. Invariably Bob Hope made the trip to these far off places during the holiday season when he could have been at home with his family, but he knew the feeling of isolation and loneliness that all soldiers feel when they are far away from their families around the holiday season.

Bob Hope has received numerous awards in his life, including the Medal of Freedom, and the Distinguished Service Medal, but I can think of no finer, no more appropriate award than that of veteran. Certainly if anyone in America can be said to have served, and served with distinction, it is Bob Hope.●

PACIFIC GAS AND ELECTRIC RECEIVES LABOR SECRETARY'S OPPORTUNITY 2000 AWARD

● Mrs. BOXER. Mr. President, each year the Department of Labor presents the Secretary's Opportunity 2000 Award honoring a Federal contractor for the successful implementation of equal employment opportunities within its organization, and for supporting these goals in the broader community. Through its efforts, the recipient of this award must have enhanced equal employment opportunities for minorities, women, individuals with disabilities, special disabled veterans, or veterans of the Vietnam era. It also must have addressed such issues as the glass ceiling, skills gap, and multicultural workforce.

I am pleased to say, Mr. President, that for the second time in 8 years, the Opportunity 2000 Award is presented to the Pacific Gas and Electric Co.

PG&E takes an active role in ensuring that its employees represent California's diversity. Its various programs, including the executive development program and women in trades forum, focus attention on women and minorities. Its management works closely with numerous employee associations which represent its diversity, such as the Hispanic Employees Association, the Black Employees Association, and ACCESS, an association of employees with disabilities.

PG&E has also adopted community based programs to aid the development of the diverse communities it serves. These programs include corporate contribution programs and welfare-to-work demonstration projects which aid in providing job training and employment to welfare recipients.

I applaud PG&E's continued commitment to the goals of equal employment opportunity for people of all backgrounds. In the words of Labor Secretary Herman, '' * * * PG&E * * * serves as a role model for other Federal contractors.''

I join Secretary Herman in commending Pacific Gas and Electric for this achievement, and I congratulate its officers and all its employees for being selected once again to receive this important and prestigious award. ●

RECOGNITION OF THE FREEMAN WASTEWATER PLANT

● Mr. JOHNSON. Mr. President, I would like to take this opportunity to recognize the South Dakotans associated with the Freeman wastewater treatment plant. The Freeman facility earned a first-place excellence award in a six-State region from the Environmental Protection Agency.

Freeman earned an exceptional rating for its plant septage management, toxic waste control, collection system maintenance, financial management, automation, and staff training. In addition, a television-based snaking system was used to pinpoint areas in need of repair. The plant staff and town council should be commended for their foresight in planning ahead and making repairs on the city's wastewater system rather than waiting for an emergency. The efforts of these individuals saves the residents of Freeman thousands of dollars in costly future repairs and insures the health and viability of the city's wastewater system.

While all the residents of Freeman should take pride in this accomplishment, I would like to mention a few individuals including Vince Kribell, chief operator of the Freeman plant, and Duane Walter. Administrative personnel include Chester Sorensen, Dean Sikkink, Steve Waltner, and Michael Schultz, who is also mayor of Freeman.

The Environmental Protection Agency started the Operations and Maintenance Award in 1986 to recognize publicly owned watewater treatment facilities that demonstrate excellence in their overall operation. The program also heightens public awareness about the importance of efficient wastewater treatment.●

THE 100TH BIRTHDAY OF THE WEBSTER HOSE HOOK AND LADDER CO.

● Mr. DODD. Mr. President. I rise today to pay tribute to the Webster Hose Volunteer Fire Co., which is celebrating 100 years of loyal service to the city of Ansonia, CT.

Anyone familiar with the early days of the Webster Hose Co. can truly appreciate how much this unit has evolved during the past century. The Webster Co. started 100 years ago when 20 courageous individuals were authorized by the board of aldermen to undertake all fire-fighting duties for the city of Ansonia. This fledgling fire department was named the Webster Hose Co., in honor of Ansonia's mayor Erwin W. Webster, and in 1903 the name was changed to the Webster Hose Hook & Ladder Co.

The number of firefighters quickly grew to 50, and these volunteers overcame many obstacles in order to serve the people of Ansonia. Perhaps their biggest handicap was the rudimentary firefighting equipment that was available to them. Their primary firefighting device was a 550-pound hand-drawn cart, equipped with a large hose. Manually transporting this cart through Ansonia's hilly terrain was difficult to say the least, and many early members of the Webster Co. suffered broken arms and legs as they miscalculated the number of people necessary to slow the vehicle down, or the direction it would take on a hill. To say that these early members had to go above and beyond the call of duty in performing their jobs would be a tremendous understatement.

But thanks to the extraordinary efforts of these founding members and

other members of the Webster Hose Co., this unit has survived and evolved into a modern fire department that is highly trained to save the lives and property of the people of Ansonia.

In celebration of their centennial birthday, the Webster Hose Co. has been chosen to host the 114th Connecticut State Fireman's Convention. This convention will culminate in a parade of hundreds of firefighters through downtown Ansonia on Sunday, September 14, 1997. I am honored to have the opportunity to walk in this parade, and I hope that the day's activities will serve as a fitting tribute to not only Ansonia's firefighters, but to all the men and women of Connecticut who risk their own personal safety as they confront danger to safeguard the well-being of others.

The men and women of the Webster Hose Co. exemplify the highest standard of community service. They also serve as role models for their long-standing commitment to their community. Some of the current Webster members are the direct descendants of the fire service's founding fathers, and it is refreshing to see this spirit of public service passed on from one generation to the next. Without these dedicated individuals, the city of Ansonia would be at a tremendous loss.

I appreciate this opportunity to commend the Webster Hose Co. for a century of outstanding service, and I wish them well as they continue to serve their community in the years to come.●

IN MEMORY OF WILLIAM POWELL

● Mr. HUTCHINSON. Mr. President, I rise today full of sadness. Mr. William Powell of Bella Vista, AR, has recently passed away.

I came to know Mr. Powell as 1 of the 82 American airmen that were held prisoner of war at the Buchenwald concentration camp during World War II. During my tenure in Congress, I have introduced two resolutions that would have given appropriate and well-deserved recognition to this group of World War II prisoners.

These brave airmen were different from other allied prisoners, because they were held at Buchenwald—a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

Tragically, Mr. President, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners. Even more tragically, the United States and this Congress will never have the opportunity to express our admiration to Mr. Powell.

When I introduced Senate Concurrent Resolution 32 in this Congress, on Thursday, June 12, I contacted Mr. Powell. He responded by saying, and I quote:

The recognition is long overdue. For decades, the Department of Defense and the International Red Cross have stated that there were no military personnel in Buchenwald. Yet as someone who was imprisoned there for 4 months, I know of at least 55 other American soldiers who endured the hardships of this camp. Two men even lost their lives there. And nearly all suffered diseases later in life because of the treatment they received while in Buchenwald.

In the late 70s, early 80s, I joined with the other survivors of Buchenwald to push this government to recognize our service. We never wanted any money, we just wanted the United States Government to say, ''Yes you were there, and we appreciate what you went through.''

Mr. William Powell was a good man, a true patriot, and while this resolution that I spoke of earlier, Senate Concurrent Resolution 32, has yet to pass this body, I urge my colleagues to join with me in passing it, in honor of Mr. William Powell.

My thoughts and prayers are with his family.●

THE HONORABLE CANDICE MILLER—THE MARCH OF DIMES' 1997 ALEXANDER MACOMB CITIZEN OF THE YEAR

● Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor Michigan Secretary of State Candice Miller as its 1997 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to ''deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan.''

Since first elected as a Harrison Township Trustee over 15 years ago, Candice Miller has consistently won the praise and admiration of her colleagues, staff, and fellow Michiganians. As Secretary of State, she has been responsible for countless initiatives that have proven to be enormously successful and widely duplicated. But, Secretary Miller's positive contributions to Michigan have not been limited to her role in State government. In so many ways, she has acted as both a philanthropist and friend on behalf of numerous causes ranging from the environment to the Girl Scouts. These achievements have not gone unnoticed or unappreciated.

I am pleased to join the Southeast Michigan Chapter of the March of Dimes in recognizing Candice Miller for her selfless commitment to improving the lives of others. On this occasion, I commend the March of Dimes for selecting a most deserving recipient of this fine award.●

JOHN, ROSALIE, AND JOE VICARI—THE MARCH OF DIMES 1997 FAMILY OF THE YEAR

● Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor the Vicari family as the recipients of the 1997 Family of the Year. Established in 1993, this award is presented annually to a family whose outstanding commitment and support of the March of Dimes deserves recognition. And without question, these three members of the Vicari family are duly deserving of this honor.

Too infrequently are we introduced to a family so committed to helping people in need. On these rare occasions, we are given an inspiring example of the profound impact each of us can have on the lives of our neighbors. The Vicari family provides the State of Michigan with an excellent example of how philanthropic work can be an amazingly rewarding experience.

All three members of this special family have remained dedicated over the years to the generous support of the efforts of the March of Dimes. The Vicari family has committed itself to the cause of preventing birth defects, and with the extraordinary contributions of John, Rosalie, and Joe Vicari, our country has moved that much closer to the realization of this noble and important goal. On this special occasion, I offer my congratulations to each of these civic leaders and to the March of Dimes. I also offer my thanks, on behalf of the entire State of Michigan, for the countless number of children's lives they have touched.●

CHARLES G. DHARTE, JR.—THE MARCH OF DIMES' 1997 ALEXANDER MACOMB CITIZEN OF THE YEAR

● Mr. ABRAHAM. Mr. President, on September 24, 1997, the March of Dimes will honor Mr. Charles G. Dharte, Jr. as its 1997 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to ''deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan.''

Mining through the long list of community affairs Mr. Dharte has been actively involved in is an inspiring endeavor. I can think of no one more deserving of the March of Dimes' Citizen of the Year Award than Mr. Dharte. Through his work as president and director of the Boys and Girls Clubs of Southeastern Michigan, as director of St. Joseph Mercy Hospital-Macomb, and his many other civic duties, particularly in the Clinton township area, his generosity and kindness has been felt deeply by the many Michiganians whose lives he has touched.

Mr. Dharte's dedication to public service has been recognized by numerous local institutions. In previous years he has been named Business Person of the Year by the city of Mount Clemens and Benefactor of the Year by the Macomb Arts Council and Macomb Community College. This recent accolade by the March of Dimes testifies to Mr. Dharte's continued important good work in Michigan. I salute him for his public service, and applaud the March

of Dimes for choosing such a deserving figure on whom to bestow this honor.●

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. GORTON. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 111, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 111) designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1128

(Purpose: To change the week that is to be designated as ''National Historically Black Colleges and Universities Week'' and for other purposes)

Mr. GORTON. Senator THURMOND has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. THURMOND, proposes an amendment numbered 1128.

On page 1, in the first clause, strike ''116'' and insert ''104''.

On page 2, line 3, strike ''14'' and insert ''21''.

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the resolution as amended be agreed to, the preamble be agreed to, as amended, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The amendment (No. 1128) was agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 111), as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

The title was amended to read:

A resolution designating the week beginning September 21, 1997, as ''National Historically Black Colleges and Universities Week'', and for other purposes.

REAUTHORIZING THE REFUGEE ASSISTANCE ACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of S. 1161, introduced earlier today by Senator ABRAHAM.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1161) to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reauthorize the Refugee Assistance Act. The act authorizes assistance to refugees through grants to private nonprofit associations, as well as public associations, to be used to provide services such as job training, educational programs, and English language classes to newly arrived refugees. These programs play an important role in the American tradition of opening new doors to those from around the world who have been subjected to persecutions of all kinds.

I would note that under the act, the Department of Health and Human Services is free to experiment with innovative ways to help refugees become self-sufficient in America. For example, the program currently makes some use of private nonprofit groups in rendering assistance to refugees, and I would encourage the Department of Health and Human Services to expand those uses more broadly. Such experimentation has great potential to help the program accomplish its purpose to help refugees make a new life for themselves, rather than becoming dependent on the Government. My understanding is that the Department of Health and Human Services is also committed to experiments along these lines, and I look forward to working with the administration and the nonprofit community involved with refugees to make this program even more effective in the next few years.

Mr. KENNEDY. Mr. President, Senator ABRAHAM and I have introduced a 2-year extension of the Refugee Act. The Refugee Act is the core of U.S. refugee policy. It sets the criteria under which persons can be designated as refugees, and provides funds for refugee resettlement. Last year, the United States admitted more than 75,000 refugees under the Refugee Act's criteria.

In addition to determining whom is considered a refugee, the Refugee Act allows the Department of Health and Human Services, through the Office of Refugee Resettlement [ORR], to provide services to refugees resettled in the United States. For example, ORR provides job training and employment assistance to new refugees to help them become economically self-sufficient. ORR helps States provide English language classes, preventive health services, and cash assistance to new refugees to help them get on their feet in their new country. Refugees often arrive in the United States terrified, jet-lagged, and with few possessions. Most fled persecution in their home countries, and left their clothes and possessions behind. These programs make a refugee's assimilation into the United States a little easier.

In addition to providing assistance directly to refugees, the Refugee Act provides funds to the Public Health Service to provide overseas medical screening for United States-bound refugees for the protection of public health against contagious diseases. ORR also provides targeted assistance to States and counties with large refugee populations, and runs matching grant programs for voluntary agencies that assist States in refugee resettlement. For example, The Boston Tech Center in Middlesex County, MA received $250,000 in discretionary targeted assistance to teach refugees short-term skills training, basic English and math. The International Rescue Committee in Boston received funds under the Refugee Act to provide a refugee youth program for newly arrived Somali children.

Mr. President, the Refugee Act is the heart of our refugee law and policy. If it is not reauthorized, the United States will send a signal worldwide that refugees are no longer welcome here. We cannot let that happen. I am grateful to my colleagues for supporting this bill.

Mr. GORTON. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1161) was read the third time, and passed, as follows:

S. 1116

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE AND ENTRANT ASSISTANCE

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ''fiscal year 1995, fiscal year 1996, and fiscal year 1997'' and inserting ''each of fiscal years 1998 and 1999''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

ORDER FOR STAR PRINT

Mr. GORTON. I ask unanimous consent that report 105–65 which accompanies S. 542 be star printed with the changes that are at the desk.

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

JOINT REFERRAL OF NOMINATION

Mr. GORTON. As in executive session, I ask unanimous consent the nomination of Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veteran's Employment and

Training, sent to the Senate by the President on September 2, 1997, be referred jointly to the Committees on Labor and Human Resources and Veterans' Affairs.

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

ORDER FOR REPRINT OF S. 1149

Mr. GORTON. On behalf of Senator GRASSLEY, Mr. President, I ask unanimous consent that technical errors in S. 1149 which Senator GRASSLEY introduced On September 4, 1997, be corrected, and that the bill be reprinted as corrected. These changes are purely technical in nature. I have attached a copy of S. 1149 with the changes made for the convenience of my colleagues. I ask unanimous consent the corrected bill be reprinted in the RECORD following these remarks.

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

S. 1149

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investment in Education Act of 1997''.

SEC. 2. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), after ''507(a)(1)'' and before the comma following thereafter insert ''(except that such expenses, other than claims for wages, salaries or commissions which arise after the filing of a petition, shall be limited to expenses incurred under Chapter 7 of this title and shall not include expenses incurred under Chapter 11 of this title)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate which has arisen by virtue of state law, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

''(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this Section, claims for wages, salaries and commissions entitled to priority under Section 507(a)(3) or claims for contributions to an employee benefit plan entitled to priority under 507(a)(4) may be paid from property of the estate which secures a tax lien, or the proceeds of such property subject to the requirements of Subsection 724(e).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax real or personal property of the estate if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 3. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting ''provided that, notwithstanding any federal or state law relating to the enforcement of liens or judgments on exempted property, exempt property shall be liable for debts of a kind specified in Section 523(a)(5) of this title,'' at the end of the subsection.

REREFERRAL OF S. 1124

Mr. GORTON. I ask unanimous consent S. 1124 be discharged from the Judiciary Committee and referred to the Labor Committee.

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

REREFERRAL OF SENATE CONCURRENT RESOLUTION 49

Mr. GORTON. I ask unanimous consent Senate Concurrent Resolution 49 be discharged from the Governmental Affairs Committee and be referred to the Rules Committee.

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

NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1420, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966, to improve the management of the National Wildlife Refuge System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1129

(Purpose: To improve the bill)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CHAFEE, for himself, Mr. GRAHAM, and Mr. KEMPTHORNE, proposes an amendment numbered 1129.

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

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

The amendment is as follows:

On page 4, line 11, insert ''wildlife-dependent recreational use or any other'' after ''means a''.

On page 11, line 19, strike ''and''.

On page 11, strike lines 22 and 23 and insert the following:

fish and wildlife agencies during the course of acquiring and managing refuges; and

''(N) monitor the status and trends of fish, wildlife, and plants in each refuge.''.

On page 15, line 8, before the semicolon, insert the following: '', except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself''.

Mr. CHAFEE. Mr. President, I have introduced this amendment to H.R. 1420, the National Wildlife Refuge System Improvement Act of 1997 on behalf of myself, Senator KEMPTHORNE, and Senator GRAHAM. This bill recently passed the House by the remarkable vote of 407 to 1.

Last week, I, along with Senators KEMPTHORNE and GRAHAM, introduced S. 1059 as a companion bill, and on July 30, the Committee on Environment and Public Works held a hearing to solicit views on this bill from the Secretary of the Interior, among others. The hearing was very productive, and reaffirmed the widespread support that exists for this legislation. The amendment that I am offering includes narrow, but important, changes to the House version that clarify several provisions, and that have been agreed to by the administration, the House Resources Committee, and the stakeholders involved in the earlier negotiations.

This legislation is long overdue and very much needed. The National Wildlife Refuge System was started in 1903 by President Theodore Roosevelt, with the establishment of the first refuge on Pelican Island in Florida. It has since evolved into a system of Federal lands consisting of 509 refuges in 50 States, covering 92 million acres, for the conservation of fish, wildlife, and plants. Despite 60 years of growth, however the refuge system remained without a law governing its administration until 1966, when Congress passed the National Wildlife Refuge System Administration Act. Even now, almost a century later, there is no law that identifies a mission or articulates guidance for refuge management.

For several years, both sides of the aisle and both sides of the Capitol have attempted to enact legislation to rectify this situation. The President has also taken administrative steps for improving refuge management with an Executive order issued in March 1996. Earlier this year, after a month of negotiations among a broad range of stakeholders, the House passed H.R. 1420, which was then referred to the Senate.

After discussions here in the Senate, we have this amendment that makes narrow but important changes to H.R. 1420, and that clarifies the intent expressed by the House in the report of the Committee on Resources and in deliberation on the floor. The first two provisions of the amendment were

changes included in S. 1059. This amendment clarifies that compatible uses can be both wildlife-dependent and other uses. The allowance of compatible uses has become the cornerstone of the refuge system, balancing the needs of the fish, wildlife, and plants for which the refuge was established, with our own ability to use and enjoy the refuge for a wide range of activities. Two points should be emphasized, however. First, while this legislation establishes that wildlife-dependent recreational uses are to be given priority, any use may be authorized by the refuge manager provided that it is compatible with both the mission of the system and the purpose of the refuge. These are two separate principles contained in the bill. Second, that all uses are required to be compatible in order to be allowed does not mean that all compatible uses are required to be allowed. The longstanding policy of the Fish and Wildlife Service that a refuge is ''closed until open'' is not altered by this legislation, although wildlife-dependent uses may be approved on an interim basis pending completion of the conservation plan for any land added to the system after March 25, 1996.

The amendment requires that the Secretary provide for monitoring of the status and trends of fish, wildlife, and plants on refuges. While this provision seems somewhat obvious, monitoring is often one of the first casualties of budgetary constraints. In addition, given some of the past problems with secondary uses on refuges, monitoring will be very important in measuring the success of the recent administrative and legislative changes that we are now undertaking. Lastly, monitoring will ensure that our scientific knowledge regarding wildlife and natural resources continues to grow.

The amendment clarifies the legislative intent regarding the periodic reevaluation on longterm secondary uses, such as electric utility rights-of-way. The bill requires that nonwildife dependent uses be reevaluated no less than every 10 years. Some rights-of-way are authorized for longer periods of time, and concern has been expressed that this reevaluation, together with the requirement that incompatible uses be eliminated or modified, may threaten the very existence of the rights-of-way. For uses that are authorized for periods of longer than 10 years, this amendment limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself.

Numerous individuals in both the Senate and the House, as well as in the administration, deserve praise for their persevering efforts over the years in seeking to improve the refuge system, and for their involvement on this bill. On the Senate side, I would like to thank Senators KEMPTHORNE and GRAHAM for their support on this amendment. I would also like to thank Senators MURKOWSKI and ALLARD for their understanding on issues relating to rights-of-way and water rights on which they have expressed concern.

With this amendment, I urge my colleagues to vote in support of H.R. 1420.

Mr. KEMPTHORNE. Mr. President, I am pleased today to recommend to the Senate passage of the National Wildlife Refuge System Improvement Act with a Kempthorne-Graham amendment. The passage of this bill represents a victory for many who are concerned with the hundreds of wildlife refuges across the United States and the multiple uses that they support.

The bill, which was negotiated between Chairman DON YOUNG of the Natural Resources Committee and Secretary of the Interior Bruce Babbitt, is another example of how positive change for the benefit of our environment can be achieved when we make a sincere effort to work together to reach consensus.

The original House bill, H.R. 1420, came to the Senate after an overwhelming vote in the House. The bill was referred, in the normal course, to my subcommittee in the Environment and Public Works Committee. Now, there are some who wanted me to just let the House bill go without further review in the Senate. But if I have learned anything from Senator BYRD over the years, I have learned that I would be ignoring the responsibility and indeed constitutional duty of the Senate if I simply signed off on such important legislation without considering it carefully.

The time that we spent to review the House bill was well worth it. We discovered an internal ambiguity in the bill which could have been taken advantage of by those who might want to eliminate many legitimate uses of wildlife refuges. My concern was that the bill's exclusive focus on so-called wildlife-dependent activities might be interpreted down the road as a signal that Congress intended only for these kinds of activities to qualify as potentially compatible activities on Federal wildlife refuges and that the many other uses of refuges that can now be authorized if they are compatible with the purposes of a refuge would be left out.

That would indeed be a significant problem. Under the law now, our national wildlife refuges support many uses, including wildlife-dependent uses such as hunting and fishing, but also important nonwildlife-dependent uses, like grazing, oil and gas production, electricity transmission, and even family picnics and weddings.

Under the House bill, any one of these activities arguably could have been eliminated on Federal refuges simply because they are not wildlife-dependent activities.

In my home State of Idaho, for example, ranchers who were once promised that they would retain the right to graze their cattle on the Gray's Lake Refuge might have lost that right because an individual refuge manager, already hostile to grazing, interpreted the House language to preclude grazing as a compatible use. This is an important issue for my State because grazing occurs in four of the six Idaho refuges.

On the Mississippi Sandhill Crane Refuge, grazing could have been curtailed even though the refuge manager there recognizes the value of grazing to improve the habitat for the crane.

This amendment will ensure that livestock grazing can continue to be considered to be a compatible use on a wildlife refuge.

But this amendment was not intended to address only grazing. Other legitimate and compatible uses on wildlife refuges could have been affected. Important activities associated with oil and gas development and the transmission of electricity to our homes and businesses could have been curtailed and even eliminated. From the 300 oil and gas wells at the Upper Ouachita Wildlife Refuge to the three wells in the Kirtland Warbler Management Area, all could have been shut down if this ambiguity had been exploited. With my amendment, all of these activities will be allowed to continue, provided that they are compatible with the purposes of the refuge.

I ask unanimous consent to have printed in the RECORD two lists of wildlife refuges that currently support grazing and oil and gas production. All of these activities, as well as other legitimate and compatible uses, could have been eliminated had we not addressed this ambiguity in this amendment. These lists include wildlife refuges in 35 States.

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

NATIONAL WILDLIFE REFUGES PERMITTING GRAZING

[As of July, 1995]

1	CA	Bitter Creek NWR
1	CA	Clear Lake NWR
1	CA	Humboldt Bay NWR
1	CA	Kern NWR
1	CA	Merced NWR
1	CA	Modoc NWR
1	CA	Pixley NWR
1	CA	Sacramento River NWR
1	CA, OR	Lower Klamath NWR
1	CA, OR	Lower Klamath NWR
1	HI	Hakalau Forest NWR
1	HI	Hanalei NWR
1	HI	Huleia NWR
1	ID	Bear Lake NWR
1	ID	Grays Lake NWR
1	ID	Minidoka NWR
1	ID, OR	Deer Flat NWR
1	No data match	Arena Plains NWR
1	NV	Fallon NWR
1	NV	Pahranagal NWR
1	NV	Ruby Lake NWR
1	NV	Stillwater NWR
1	OR	Klamath Forest NWR
1	OR	Nestucca Bay NWR
1	OR	Upper Klamath NWR
1	OR	William L. Finley NWR
1	OR, WA	Julia Butler Hansen Refuge for the Columbian Whitetail Deer
1	WA	Columbia NWR
1	WA	Franz Lake NWR
1	WA	Pierce NWR
1	WA	Ridgefield NWR
1	WA	Steigerwald Lake NWR
1	WA	Willapa NWR
2	NM	Las Vegas NWR
2	OK	Salt Plains NWR
2	OK	Wichita Mountains Wildlife Refuge
2	TX	Anahuac NWR
2	TX	Aransas NWR
2	TX	Attwater Prairie Chicken NWR
2	TX	Balcones Canyonlands NWR
2	TX	Brazoria NWR

NATIONAL WILDLIFE REFUGES PERMITTING GRAZING—Continued

[As of July, 1995]

2	TX	Buffalo Lake NWR
2	TX	Hagerman NWR
2	TX	McFaddin NWR
2	TX	Moody NWR
2	TX	Muleshoe NWR
2	TX	San Bernard NWR
2	TX	Texas Point NWR
3	IA	Walnut Creek NWR
3	IA, IL, MN, WI	Upper Mississippi River Wildlife and Fish Refuge
3	MN	Big Stone NWR
3	MN	Detroit Lakes WMD
3	MN	Hamden Slough NWR
3	MN	Litchfield WMD
3	MN	Morris WMD
3	MN	Windom WMD
3	MO	Mingo NWR
3	WI	Leopold WMD
4	AL	Choctaw NWR
4	AL	Wheeler NWR
4	AR	Holla Bend NWR
4	AR	Logan Cave NWR
4	FL	St. Johns NWR
4	LA	Sabine NWR
4	MS	Mississippi Sandhill Crane NWR
5	MD, VA	Chincoteague NWR
5	ME	Moosehorn NWR
5	NJ, NY	Wallkill River NWR
5	NY	Iroquois NWR
6	CO	Alamosa NWR
6	CO	Arapaho NWR
6	CO	Browns Park NWR
6	KS	Kirwin NWR
6	KS	Quivira NWR
6	MT	Benton Lake WMD
6	MT	Charles M. Russell NWR
6	MT	Lake Mason NWR
6	MT	Medicine Lake NWR
6	MT	Medicine Lake WMD
6	MT	NWMT F & W Complex WMD
6	MT	Red Rock Lakes NWR
6	MT	Ul Bend NWR
6	MT	War Horse NWR
6	ND	Arrowwood NWR
6	ND	Arrowwood WMD
6	ND	Audubon WMD
6	ND	Crosby WMD
6	ND	Des Lacs NWR
6	ND	Devils Lake WMD
6	ND	Florence Lake NWR
6	ND	J. Clark Salyer NWR
6	ND	J. Clark Salyer WMD
6	ND	Kulm WMD
6	ND	Lake Alice NWR
6	ND	Lake Ilo NWR
6	ND	Lake Nettie NWR
6	ND	Lake Zahl NWR
6	ND	Long Lake NWR
6	ND	Long Lake WMD
6	ND	Lostwood NWR
6	ND	Lostwood WMD
6	ND	McLean NWR
6	ND	Shell Lake NWR
6	ND	Slade NWR
6	ND	Stewart Lake NWR
6	ND	Tewaukon NWR
6	ND	Tewaukon WMD
6	ND	Upper Souris NWR
6	ND	Valley City WMD
6	ND	White Lake NWR
6	NE	Rainwater Basin WMD
6	NE	Valentine NWR
6	NE, SD	Karl E. Mundt NWR
6	SD	Huron WMD
6	SD	Lacreek NWR
6	SD	Lake Andes WMD
6	SD	Madison WMD
6	SD	Pocasse NWR
6	SD	Sand Lake WMD
6	SD	Waubay NWR
6	SD	Waubay WMD
6	WY	Hutton Lake NWR
6	WY	Mortenson Lake NWR
7	AK	Alaska Maritime NWR
7	AK	Yukon Delta NWR

Total Records = 125

RMIS—OIL, GAS, AND MINERAL ACTIVITIES (1996)

Org. code	Station	State
12516	Hakalau Forest NWR	HI
11670	Hopper Mountain NWR	CA
14570	Ruby Lake NWR	NV
14621	Sheldon NWR	OR
11627	Sacramento River NWR	CA
11623	Sutter NWR	CA
11683	Seal Beach NWR	CA
21520	Anahuac NWR	TX
21560	Attwater Prairie Chicken NWR	TX
22550	Havasu NWR	AZ
21580	Hagerman NWR	TX
22570	Kofa NWR	AZ
21640	Sequoyah NWR	OK
21650	Tishomingo NWR	OK
21593	Trinity River NWR	TX
21660	Mashita NWR	OK
21620	Optima NWR	OK
32640	Big Stone NWR	MO
31513	Kirtlands Warbler WMA	MI
32525	Leopold WMD	WI

RMIS—OIL, GAS, AND MINERAL ACTIVITIES (1996)—Continued

Org. code	Station	State
32588	Litchfield WMD	MN
32590	Minnesota Valley NWR	MN
32550	Sherburne NWR	MN
32579	Upper Mississippi River Wildlife & Fish Refuge	WI
43612	Cameron Prairie NWR	LA
43535	Choctaw NWR	AL
43525	Catahoula NWR	LA
43545	D'Arbonne NWR	LA
43546	Upper Ouachita NWR	LA
43570	Felsenthal NWR	AR
43571	Overflow NWR	AR
43695	Lake Ophelia NWR	LA
43610	Lacassine NWR	LA
42650	Louisiana WMD	LA
43567	Handy Brake NWR	LA
43675	Mississippi WMD	MS
43635	Dahomey NWR	MS
43640	Sabine NWR	LA
43556	Breton NWR	LA
43555	Delta NWR	LA
43614	Atchafalaya NWR	LA
43558X	Big Branch Marsh NWR	LA
43595	Bayou Sauvage NWR	LA
43616	Bogue Chitto NWR	LA
42640	St. Catherine Creek NWR	MS
43690	Tensas River NWR	LA
42620	Tennessee NWR	TN
43670	White River NWR	AR
41625	Savannah NWR	GA
51660	Ohio River Islands NWR	WV
62554	Audubon WMD	ND
61510	Benton Lake NWR	MT
61511	Benton Lake WMD	MT
61585	Bowdoin WMD	MT
62560	Crosby WMD	ND
62570	Des Lacs NWR	ND
61583	Hewitt Lake NWR	MT
62620	J. Clark Salyer NWR	ND
62629	J. Clark Salyer WMD	ND
61584	Lake Thibadeau NWR	MT
61530	Medicine Lake NWR	MT
61532	Medicine Lake WMD	MT
61544	NW Montana WMD	MT
65570	Ouray NWR	UT
61542	Pablo NWR	MT
64620	Quivira NWR	KS
62680	Upper Souris NWR	ND
74500	Alaska Maritime NWR	AK
74510	Alaska Peninsula NWR	AK
74520	Izembek NWR	AK
74525	Kanai NWR	AK
74540	Yukon Delta NWR	AK
14560	Deer Flat NWR	ID

Mr. KEMPTHORNE. Mr. President, I want to make it clear that I do not believe it was the intention of the parties who negotiated this agreement to eliminate nonrecreational uses on wildlife refuges. But I do believe that we have eliminated a potential legal argument for any who might try to use the ambiguity to curtail nonwildlife-dependent uses on refuges.

As amended, I will support this bill. For the first time, it will establish hunting and fishing as priority uses of wildlife refuges and will ensure that other legitimate and compatible uses can continue in the future. Of particular interest and importance to me, to Idaho, and to other Western States, is the provision in the bill that provides, ''Nothing in this act shall create a reserved water right, express or implied, in the United States for any purpose.'' I strongly support this provision now, as I have in the past.

I urge the adoption of the bill and the Kempthorne-Graham amendment.

Mr. GRAHAM. Mr. President, I'm pleased to have the opportunity to discuss the National Wildlife Refuge System Improvement Act of 1997. It is a long overdue organic act for our magnificent refuge system. In 1991 and again in 1993, as chairman of the Subcommittee on Fish and Wildlife, I introduced the National Wildlife Refuge System Management and Policy Act—legislation which was very similar to that which is before us today.

My aims then were straightforward. First, to clarify that the purpose of the National Wildlife Refuge System is to conserve our Nation's diversity of fish, wildlife, and plants and their habitats. Second, to improve the process used to determine which public uses shall be allowed on the refuges. Third, to require the development of comprehensive conservation plans for each of the refuges and ensure that the public has ample opportunity to participate in the planning process as it does in planning for our national parks and national forests. Fourth, to lay out clear affirmative duties for the Secretary of the Interior to protect the integrity and plan for the appropriate expansion of the Refuge System.

My bill had the strong support of conservation groups like the Wilderness Society, the National Audubon Society, Defenders of Wildlife, and the Sierra Club. Thanks to Senators CHAFEE, KEMPTHORNE, and BAUCUS, my bill also enjoyed the support of the International Association of Fish and Wildlife Agencies along with a variety of sportsmen's groups. The Environment and Public Works Committee reported that bill in the 103d Congress but unfortunately we were not able to bring the bill to the Senate floor because a number of procedural holds were placed on the bill.

In the last Congress, the House introduced and passed a radically different bill that would have harmed our Refuge System. President Clinton indicated that he would veto the House bill but fortunately, it was not acted upon by the Senate.

The bill before us today is not identical to the bill I introduced in prior years. It is not exactly how I would have drafted it, but I am very pleased that it addresses the four major areas that I outlined above: a mission statement for the system, a formal process to assess the compatibility of refuge activities, a planning requirement, and duties for the Interior Secretary.

Of course, even with passage of this bill, the Refuge System will only meet its potential to conserve the Nation's fish and wildlife if the Congress appropriates the funds necessary for its proper management. I am pleased that the House has approved a healthy increase for this purpose in its fiscal year 1998 Interior appropriations bill and will work to ensure that the Senate does as well. Senator KEMPTHORNE and I and 18 of our colleagues have written to the Appropriations Committee to urge such funding.

THEODORE ROOSEVELT'S ENDANGERED SPECIES ACT

Ninety-four years ago, President Theodore Roosevelt established the first national wildlife refuge at Pelican Island in my State of Florida. This bold move protected the last remaining nesting colony of brown pelicans on the

Atlantic seaboard. But as critical as this action was for the pelicans, it had much broader importance for the Nation's wildlife because it began our only system of national lands dedicated to wildlife conservation.

Before leaving office, Roosevelt went on to establish more than 50 such sanctuaries. Herons, egrets, pelicans, and other shorebirds, along with all manner of waterfowl found sanctuary on Roosevelt's refuges. Large mammals including bison, elk, and antelope were also protected. In this sense, the refuge was Roosevelt's Endangered Species Act.

Refuges continue to be created to meet the most pressing wildlife conservation challenges of the day. Refuges have been established for endangered fish, birds, mammals, reptiles, frogs, bats, and butterflies. In my State we even have the new Lake Wales Ridge Refuge established for endangered plants. And while we have many refuges to protect endangered species, we know that many other species would be headed for the endangered species list were it not for the protections afforded by the National Wildlife Refuge System.

Today the Refuge System includes more than 500 refuges and 92 million acres which makes it larger than the National Parks System. Yet in the lower 48 States, the Refuge System amounts to less than 4 percent of the Federal public lands and less than 1 percent of the total land area of those States.

In Florida we have 25 refuges encompassing more than 1 million acres of land and water. These include refuges to protect our manatees, Florida panthers, sea turtles, Key deer, crocodiles, and those endangered plants.

PUBLIC SUPPORT AND USE OF THE REFUGE SYSTEM

Our Refuge System has been strongly supported by bird watchers, hunters, and anglers throughout its history—even though there was very little recreation permitted for much of the system's history. For example, hunting was a rarity on refuges until 1949, but hunters and sportsmen's organizations were strong supporters of the system even in those early years because they realized that without protected habitats, there could be no wildlife.

Today, the Refuge System provides ample opportunities for fish and wildlife related recreation including wildlife observation, nature photography, and hunting and fishing, as well as environmental education. But these public uses are clearly secondary to the long-standing primary purposes of the Refuge System to conserve fish and wildlife and habitats. S. 1059 continues this clear distinction between the purpose of the Refuge system to conserve fish and wildlife, and the priority uses of the system which are those related to learning about or enjoying fish and wildlife.

PROBLEMS IN THE SYSTEM

Unfortunately, public use has not always been carried out in a manner that is consistent with the well-being of our refuges and their wildlife. A 1989 study by the General Accounting Office found that secondary activities considered by refuge managers to be harmful to wildlife resources were occurring on nearly 60 percent on our refuges. Power boating, mining, military air exercises, off-road vehicles, and air boating were cited as the most frequent harmful uses. Oil and gas drilling, timbering, grazing, farming, commercial fishing, and even wildlife related recreation such as hunting, trapping, and wildlife observation in some instances were also found to harm wildlife or habitat. A 1991 study by the U.S. Fish and Wildlife Service confirmed the GAO's findings. The Service found that harmful activities were present at 63 percent of the refuges.

At one time, for example, the Key West National Wildlife Refuge harbored the only known breeding colony of frigatebirds in the United States. The Great White Heron National Wildlife Refuge, also in the Florida Keys, hosted numerous colonies of wading birds. But increased activity within the refuges by jet skiers, power boaters, water skiers, campers, and others was the most likely reason that the frigatebirds abandoned the refuge rookery and the chief culprit behind the fact that other birds have showed signs of declining breeding success.

Refuge managers, despite their best efforts, have often been susceptible to outside pressure to allow these damaging activities because the laws governing the Refuge System are not completely clear. Furthermore, decisions about which activities were compatible with wildlife conservation purposes have often been made without adequate public input or written records. The problem had been compounded in past years by lack of periodic reevaluations of uses.

ACTION TO RESTORE INTEGRITY TO THE REFUGE SYSTEM

Fortunately, the Clinton administration has taken a number of steps to resolve many of the problems in the National Wildlife Refuge System. I like to believe that the interest and oversight that we provided in a bipartisan fashion in the 102d and 103d Congresses set the stage for these improvements.

A number of harmful economic, recreational, and even military activities have been eliminated or appropriately reduced. In Florida, for example, action has been taken by the Fish and Wildlife Service to reduce the number of people allowed to scuba dive alongside manatees in the Crystal River refuge that was established to protect the manatee. Likewise, the Service has taken action to reduce public use at the Egmont Key National Wildlife Refuge. And a back-country plan has been implemented in the Florida Keys to greatly reduce conflicts between people and wildlife.

President Clinton has also issued an Executive order on the management of the Refuge System that specifies that the mission of the refuges is to preserve a national network of lands and waters to conserve our wildlife diversity. The Executive order also appropriately ensures that recreational pursuits that are related to fish and wildlife will take priority over other activities not so related.

Now, as in the past, I am gratified to be part of the process of updating the laws that govern our magnificent National Wildlife Refuge System. It is my sincerest hope that this new law will improve the Refuge System for the benefit of our Nation's fish and wildlife and for generations of Americans to come.

Mr. CHAFEE. I understand that the Senator from Alaska has raised some concerns regarding the requirement to periodically reevaluate existing secondary uses to ensure that they remain compatible within the meaning of the law. I would like to ensure that the Senator's concerns have been fully addressed.

Mr. MURKOWSKI. I would like to thank the Senator from Rhode Island, and obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for less than 10 years.

Mr. CHAFEE. As a preliminary matter, numerous rights-of-way have been approved in the past as compatible uses in various refuges, and this legislation does not alter the basis under which those activities may be approved in the future. With respect to the periodic reviews, the reevaluation of existing uses is required ''when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years.'' For uses that are authorized for periods of less than 10 years, it is my understanding that the Fish and Wildlife Service will, under normal and usual circumstances, review the use at the time of the reauthorization of the activity. The only exception to this would be in situations in which significant new information is developed regarding the effects of the use, or conditions under which the use change significantly.

Mr. MURKOWSKI. I would like to obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for longer than 10 years.

Mr. CHAFEE. For uses that are authorized for periods of longer than 10 years, the amendment that we have introduced explicitly limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself. During deliberation of H.R. 1420 by the House, Representatives YOUNG and SAXTON entered into a colloquy on this issue. Our amendment codifies the understanding reached in that colloquy.

Mr. MURKOWSKI. I understand that the Fish and Wildlife Service has been consulted on these two issues, and that they have concurred with your explanation.

Mr. CHAFEE. That is correct. With respect to long-term secondary uses, the amendment has met with the approval of the Department of the Interior, as stated by Secretary Babbitt at a hearing on S. 1059 before the Environment and Public Works Committee on July 30. With respect to short-term uses, the Service has also agreed with my understanding.

Mr. LOTT. Mr. President, for 3 long years, the House Resources Committee has worked with the Department of the Interior to craft a statute that redefines and redirects the mission of the wildlife refuge program. After holding a total of eight hearings and countless legislative meetings with the administration, the House Resources Committee introduced and reported H.R. 1420. Thanks to the dedicated support of Chairman YOUNG and Secretary Babbitt, this bill overwhelmingly passed the House by a vote of 407 to 1 on June 3, 1997.

Mr. President, I am proud of the Senate's unanimous approval of this historic legislation. It proves that successful environmental policy can be crafted in a bipartisan manner.

This legislation was endorsed by a coalition of diverse interests. It is rare to find an issue that captures the attention and collective effort of industry, sportsmen, and conservationists. These groups, ranging from the Wildlife Legislative Fund of America and the National Rifle Association to the Safari Club and the Audubon Society, have shown good faith in their efforts. I appreciate their perseverance and cooperation in finding a consensus for the public policy governing America's refuge system.

In order to ensure that the bill would be considered and passed with as few changes as possible, it was held at the desk for consideration. Some may claim that this was an unusual parliamentary procedure, but I contend that this is an unusual bill. I was protecting the balance reached within the House-passed legislation in order to ensure a swift resolution of the legislative process. Senators' concerns and the jurisdictions of the committee process were respected and preserved.

Mr. President, the result of these unusual proceedings is an outstanding product. Americans for generations to come will appreciate the wisdom and equity of this clear multiuse mission for our refuge system.

As Mississippians go to the Noxubee National Wildlife Refuge, some will be there to hunt, some to enjoy the tremendous beauty of their surroundings, and others to appreciate the effort to preserve our natural heritage. All is possible because of H.R. 1420. Mississippians—and their many diverse interests—will be given the right to coexist within the refuge.

H.R. 1420 will refocus the mission of the refuge system. It recognizes that hunting and fishing are important and legitimate activities on these public lands. Common ground was found—and it is high ground indeed.

Again, I want to personally applaud Chairman YOUNG and Representatives DINGELL and MILLER for their dedication to this legislative initiative. With the assistance of Secretary Babbitt, they have forged a new path for a refuge system with a clear multiuse mission. I thank my Senate colleagues for their participation and endorsement of this legislative proposal.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 1129) was agreed to.

The bill (H.R. 1420), as amended, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 1160

Mr. GORTON. Mr. President, on behalf of the Democratic leader, I understand that there is a bill at the desk introduced by Senator DASCHLE, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1160) to provide for educational facilities improvement.

Mr. GORTON. Mr. President, I now ask for a second reading of the bill and object to my own request.

The PRESIDING OFFICER. The bill will be read on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 11, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, September 11. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1061, the Labor-HHS appropriations bill, as under the previous order.

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

PROGRAM

Mr. GORTON. Mr. President, in accordance with the consent agreement, tomorrow morning there will be 30 minutes of debate remaining on the Teamsters amendment, to be followed by 30 minutes of debate on the testing issue. Following that debate time, at approximately 10 a.m., there will be a series of four stacked rollcall votes, including final passage of the Labor-HHS appropriations bill. Following those votes, the Senate will begin debate on the FDA reform bill. In addition, additional votes are expected during Thursday's session following the ordered votes which begin at approximately 10 a.m. I thank my colleagues for their attention.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:31 p.m., adjourned until Thursday, September 11, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1997:

DEPARTMENT OF DEFENSE

ROBERT M. WALKER, OF TENNESSEE, TO BE UNDER SECRETARY OF THE ARMY, VICE JOE ROBERT REEDER.

EXTENSIONS OF REMARKS

PROTECTION FROM PERSONAL INTRUSION ACT

HON. SONNY BONO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BONO. Mr. Speaker, today I rise to introduce the Protection from Personal Intrusion Act, a measure that is badly needed and long overdue. Recent tragic events have punctuated the danger and bring this problem near to all of us from the forefront of the world's attention. I must, however, assure you that this is a long-standing problem suffered by many of the wonderful people I have known and admired. In truth, this is a victims' rights bill. Allowing someone to suffer at your hand is an outrageous offense. Allowing someone to be violated and not have legal rights or recourse available is a failing on our behalf.

Briefly, I wish to explain the background for this legislation. Congress has a duty to balance a variety of interests, including the first amendment, the public's right-to-know, and the public safety and order. The first amendment is a cherished concept that comes from the genius of our Founding Fathers. Yet it is without doubt that the activities of the bounty-hunting paparazzi go beyond the robust public discourse envisioned by the Founders. No legitimate media need to encourage or utilize these abusive practices that often rise to stalking, harassment, assault and other violent conduct.

In section 1, the short title is listed. In section 2, a new Federal criminal offense prohibiting certain violent conduct is defined by adding to chapter 89 of title 18 United States Code a new section, sec. 1822. In my view, there is a definite need for the Federal Government's role in this area. First, it is important to ensure this protection is uniformly guaranteed throughout the Nation. The States are also free to address this issue concurrently as they deem fit. In addition, I urge the States to continue strenuously enforcing their own laws in this area. Further, I hope that they complement this law in new ways to preserve the public order and safety. I have tried to word this legislation carefully enough to include the situations we can expect and yet broadly enough to be flexible to consider the range of possible behavior the victims may encounter. Under the bill, criminal liability for this type of heinous behavior against any member of the public includes a jail sentence of up to 20 years and a fine depending on the nature of offense.

Further, the bill creates a new corresponding civil cause of action and defines the jurisdiction for such cases of the victims of this intolerable and intrusive behavior against the shameless perpetrators. This civil liability complements the criminal offense section.

Next, three last substantive measures are provided. I am aware that there are legitimate first amendment concerns that such liability may chill the legitimate media. Here, the bill makes it clear that nothing in this act may be construed to make the sale, transmission, publication, broadcast or use of such recordings that are obtained in an otherwise lawful manner subject to criminal charge or civil liability. Likewise, under my bill, liability is limited to the actual perpetrators who are physically present and commit the offense described but does not extend to the editors, publishers or other related organizations. Of course, such organizations may be liable under the operation of other legal mechanisms. In addition, there is a law enforcement exemption that applies to legitimate law enforcement activities. While certainly the police are not acting as freelance paparazzi, we must make certain that as a practical matter they are not subject to groundless suits while protecting our public safety.

In designing this legislation, I am addressing an intrusive type of conduct that transcends decency and respect. It has no role in a civilized society or as part of legitimate news gathering. While I focus on activity that is wholly outside the protection of the first amendment, I took care to balance the important values behind the freedom of the press and individual safety. There is a very specific problem at hand, and this bill is drafted to be its narrowly-tailored solution. It is my hope that all of my colleagues will join me in supporting this legislation, so we can protect our public safety and prevent the further victimization of the innocent.

HONORING THOMAS E. WALDROP

HON. THOMAS M. DAVIS
OF VIRGINIA
HON. JAMES P. MORAN
OF VIRGINIA
HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleagues, Mr. MORAN and Mr. WOLF, and me great pleasure to rise today and pay tribute to Mr. Thomas E. Waldrop, an outstanding member of the Northern Virginia Community. Tom is this year's founders award winner from the Northern Virginia Community Foundation. The founders award is given annually to an individual who has demonstrated civic and humanitarian responsibility, and personal participation and leadership in northern Virginia community civic bodies. In addition, the award is presented to an individual who is contributing to improve the quality of life in northern Virginia through leadership in one or more of the following five areas: the Arts, Education, Health, Youth and Civic Improvement.

Tom is an individual who has made a very strong positive impact on northern Virginia as well as the entire State of Virginia. He is a Virginia native who was born in Montpelier, VA, on April 8, 1937. He received his higher education from Virginia schools. Tom received a bachelor's degree in economics from Randolph-Macon College and a master's degree in business from Virginia Commonwealth University. Tom also served his country, and he served in the U.S. Marine Corps from 1958 to 1960.

Tom is currently the president and chief executive officer for Media General Cable which is headquartered in northern Virginia. He has served in that position since 1984. Since that time, Tom has directed the development of one of the Nation's largest and most sophisticated cable television systems. Tom's career with Media General Corp. began in 1967 when he started with Richmond Newspapers. He was quickly promoted and appointed the operations manager of Media General Financial Services at the beginning of 1968. Tom went on to serve as their vice president and as assistant general manager. After his success with the financial services division, Tom moved to Media General's Piedmont Publishing Co. where he worked as their business manager, and eventually became the general manager. He left Piedmont when he moved to Media General Cable in northern Virginia.

Tom has shown boundless energy and has made it a priority to work in his community to improve the quality of life for all of us. He works with a wide range of organizations that have made northern Virginia the dynamic, vibrant area it is. Northern Virginia's diverse community has grown dramatically since the early eighties. it has been successful in maintaining a community atmosphere with the work of people like Tom.

Tom works closely with both northern Virginia arts and business communities. He is in his fourth term as chairman of the board of directors of the Arts Council of Fairfax County. He also remains on the board of directors for the Fairfax County Chamber of Commerce, the Fairfax County Public School's Business Advisory, the Fairfax Symphony, the Northern Virginia Community College Educational Fund, the Northern Virginia Technology Council, the Tower Club, and the Wolf Trap Foundation. In addition to all of these associations, Tom has previously served as the director of the American Heart Association's Fairfax board and has chaired the development committee for ''Spotlight on the Arts'' in the city of Fairfax. He continues to demonstrate his willingness to lead the Northern Virginia community in a wide range of areas.

Tom is also associated with a number of other activities where he volunteers his time and services to further enhance our community. He continues to work with the Northern Virginia Business Roundtable, the Virginia Advisory Committee, and the Corporate Advisory Committee for the Women's Center of Northern Virginia. Tom also works with national organizations to improve the quality of our cable television nationwide including serving on the board of directors for the National Cable Television Association and C–SPAN [the Cable Satellite Public Affairs Network].

Mr. Speaker, we know our colleagues join us in honoring and thanking Tom Waldrop for

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his achievements in working to improve northern Virginia for all of its residents. We appreciate all of his hard work in making northern Virginia one of the finest places to live and work. For those of us that know of Tom's commitment to northern Virginia, it is no surprise that the Northern Virginia Community Foundation has decided to award him their prestigious founder's award at a gala banquet on October 24, 1997. It is a well deserved award.

TRIBUTE TO ''CONCERN FOR INDEPENDENT LIVING''

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to an outstanding organization that for 25 years has provided housing and career opportunities that have enabled Long Islanders who are recovering from psychiatric disabilities to realize their full potential as productive, happy members of the community.

Founded in 1972, Concern for Independent Living provides an empowering and supportive environment for our Long Island neighbors who are working to achieve a level of independence in the community. As the New York State psychiatric system closes its large hospitals and evolves towards a community-based approach, groups like Concern for Independent Living are critical components in the patient care effort for the 21st century.

Started as a patient advocacy group known as the Concerned Parents and Friends of Central Islip State Hospital, Concern now provides an array of housing opportunities that are based on the consumer empowerment model, whereby residents participate in all levels of management and comprise the majority of the home's board of directors.

To help clients assimilate into the community, Concern offers housing options that range from highly supervised community residences to independent living in apartments and single-family homes throughout Suffolk County. Family, staff, and referral services work together to place clients in the environment that best meets their rehabilitative needs.

Residents of Concern's housing program are also offered vocational opportunities that provides them with real-life training in the business world. Starting with its first job training initiative, a thrift shop program in Central Islip, Concern opened a client-run home, lawn, and garden maintenance business in April 1993. Also placing qualified clients at other, privately operated businesses, Concern offers its residents the invaluable experience of meeting work responsibilities and the satisfaction of knowing that they are a valued, contributing member of the Long Island community.

Mr. Speaker, the programs and opportunities provided by Concern for Independent Living are true models for government-supported, privately operated nonprofit endeavors. They demonstrate that public investment in our communities, when administered in a thoughtful, consumer-focused approach, can make a truly positive impact in the lives of America's citizens. That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting Concern for Independent Living on its 25th anniversary celebration. We are fortunate to have them in Suffolk County.

GE WATERFORD, NEW YORK FACILITY CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SOLOMON. Mr. Speaker, it's not often that I can give my wholehearted congratulations to a corporation that, after taking a chance on a new technology, has not only prospered but has become a fixture in our local landscape. I couldn't be speaking of any business other than GE Silicones.

Fifty years ago, General Electric scientists made a breakthrough discovery. They found a way to create a group of products that were so versatile and could withstand such high degrees of heat that they were unlike any other seen before. Realizing the immediate potential for these compounds, GE began construction on a new manufacturing facility designed to develop new applications for silicones. The company chose to locate in a small, rural town called Waterford, accessible by both the Hudson River and the D&H Railroad.

Today, that company has grown into a global business that is 3,000 employees strong and has manufacturing and sales facilities throughout the world. A $1 billion a year enterprise, GE makes more than 2,000 different silicone products which are used in a variety of industries, including electronics, automobiles, personal and health care, and textiles. It's almost unbelievable that one group of products can be used in so many different ways.

And GE Silicones serves as a vital part of the capital region's economy. Employing 1,500 people locally, the company is a significant contributor to the fiscal strength and stability of our area.

But even as the company continues to expand, GE Silicones has not forgotten the community that serves as its base of operations. I couldn't be more pleased to hear of the company's donations to the Village Fire Department and public library in honor of its 50th anniversary celebration. This is just one more example of the company's commitment to be a responsible and caring neighbor.

On this 50th anniversary, and with much appreciation I congratulate GE Silicones and thank General Electric for its continued investment to our community.

HENRY FORD COMMUNITY COLLEGE 60TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DINGELL. Mr. Speaker, Henry Ford Community College in Dearborn, MI is celebrating its 60th anniversary. To mark its 60th jubilee, I would like to publicly acknowledge this respected institution's tremendous history of excellence and unparalleled contribution to our community.

Since 1938 Henry Ford Community College [HFCC] has served as a gateway to higher education for thousands of residents of southeastern Michigan. This institution was established to provide an affordable, high quality college education for students in Dearborn, MI and its surrounding communities.

HFCC has clearly succeeded in meeting these original goals. The college enrolls approximately 20,000 students per year, and has grown to become the fifth largest community college and the tenth largest college in the State of Michigan. I am proud to say that HFCC graduates more than 1,000 students per year. A recent survey showed that 98 percent of HFCC graduates are working in Michigan.

In accordance with the rapidly approaching 21st century, Henry Ford Community College has dedicated itself to keeping pace by continuously renovating and modernizing its facilities and curricula. The completion of the new technology building has provided HFCC with one of the most modern community college manufacturing technology and apprentice training facilities in the Nation. These physical improvements and HFCC's qualified, dedicated faculty provide HFCC students with the training and skills that are needed by today's workers and employers in Michigan and across the Nation.

The success of HFCC's students, faculty, and administration can be directly attributed to their dedication to the legacy of Henry Ford—a legacy of hard work, world-class education, and an eye to the future. Henry Ford Community College has been successful as a leader in education and training, and I believe the school and the individuals who make up its community deserve to be commended.

U.S. POSTAL SERVICE GLOBAL PACKAGE LINE IMPORTANT TO AMERICAN MAILERS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HALL of Ohio. Mr. Speaker, soon my colleagues and I on the House Rules Committee will consider a rule for H.R. 2378, the Treasury, Postal Service, and General Government Appropriations bill for fiscal 1998. At that time, the committee will determine whether to grant a waiver for a provision in the bill to limit the U.S. Postal Service from expanding its Global Package Line Service.

Global package Link is a new approach using modern technology to ship packages from large mailers to overseas destinations. Today, companies like J.C. Penny, Land's End, L.L. Bean, and Neiman Marcus Direct can use this service to reach easily and economically consumer markets in Brazil, Canada, Chile, China, Germany, Japan, and the United Kingdom. Soon service will be extended to France, Mexico and Singapore.

The U.S. Postal Service was created to provide a business approach to the business of moving the mail. Since that time, the Postal Service has lived up to its charge by introducing new products and services to keep pace with the ever changing market. Global Package Link is the latest innovative mailing option aimed at international business customers.

The Postal Service makes available mail service nationally and internationally to every

American consumer and business. Global Package Link is an important part of the service provided to American businesses. Freezing the program will surely hurt American businesses trying to penetrate foreign markets. It will hurt all users of the Postal Service by limiting the ability to upgrade its services.

Under the Rules of the House, the provision freezing the Global Package Link Service may not be considered on the House floor as part of the Treasury-Postal Service Appropriations bill. While it is within the authority of the Rules Committee to grant a waiver to this rule, the merits of this provision are insufficient for such special treatment. Moreover, the chairman and ranking minority member of the Committee on Government Reform and Oversight oppose a waiver for this provision.

Mr. Speaker, the House should not approve legislation to interfere with the Postal Service's efforts to provide innovative, high quality service to American mail users. Certainly, we should not bend our own rules to make in order legislation which would do just that.

ADDRESSING GULF WAR ILLINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SANDERS. Mr. Speaker, I would like to thank Chairman PORTER, Congressman BILL YOUNG, ranking member DAVE OBEY, and their staffs at the Appropriations Committee for all of the help that they have provided me in attempting to address one of the most important issues facing American veterans, and one of the great medical dilemmas facing our entire country. And that is that over 70,000 Persian Gulf veterans, including hundreds in my own State of Vermont, continue to suffer from gulf war illness, and that 6 years after that war's completion, there is still no understanding of the cause of that illness or an effective treatment.

As you know CHRIS SHAYS, the chairman of the Human Resources Subcommittee has held 10 hearings on gulf war illness since March 1996. As a member of that committee, I cannot begin to express to you the frustration that many of us feel regarding the ineptitude of the Department of Defense and the Veterans Administration in responding adequately and effectively to the needs of those veterans who continue to hurt.

Pure and simple, the bottom line is that 6 years after the end of the Persian Gulf war, the Department of Defense and the Veterans Administration still have not developed an understanding of the cause of gulf war illnesses or an effective treatment protocol. In fact, their record has been so inadequate that last week the Presidential Advisory Committee on Persian Gulf War Veterans' Illnesses indicated that it will be recommending to the President that an independent agency, outside of the Pentagon, take on responsibility for investigating the health effects of low level chemical and biological weapons exposures. According to Arthur L. Caplan, a bioethics professor at the University of Pennsylvania and a member of the panel, ''the Pentagon is not credible to continue inquiries that veterans and the public do not find persuasive.'' And the New York Times writes, ''a special White House panel said today, that the Pentagon had lost so much credibility in its investigation of the release of Iraqi chemical weapons in the 1991 Persian Gulf War that oversight of the investigation must be taken away from the Defense Department permanently.''

Mr. Speaker, I am happy to inform my colleagues that there is language in the Labor-HHS Appropriations Committee report which funds an independent scientific research program into how chemical exposures in the Persian Gulf relate to the illnesses suffered by as many as 70,000 of our veterans. This research program is to be implemented through the Secretary of Health, with the National Institute of Environmental Health Sciences as the lead agency. The committee has agreed to appropriate $1.1 million for fiscal year 1998 for this important research, and has committed to fund this research program at a level of $7 million over a 5-year period. What is important here is that for the first time, a governmental entity outside the Pentagon or the Veterans Administration will be looking at the role that chemicals may have played in gulf war illness—and that is a major breakthrough.

This report language is strongly supported by the American Legion, the Veterans of Foreign Wars and the National Gulf War Resource Center. Veterans and Americans all over this country are less than impressed, to say the least, about the role of the DOD and the VA in this entire process.

Mr. Speaker, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium, and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines. Further, and perhaps most importantly, as a result of waiver from the FDA, hundreds of thousands of troops were given pyridostigmine bromide. Pyridostigmine bromide, which was being used as an antinerve gas agent, had never been used in this capacity before. Under an agreement between the DOD and the FDA in regards to this waiver, the DOD was required to collect data on any use of pyridostigmine bromide. However, the DOD failed to keep this data and in many cases, there are no records to indicate who even took this investigational drug, how much they took, and under what conditions they took it.

For 5 years, the Pentagon denied that our soldiers had been exposed to any chemical warfare agents. Finally, after being forced to admit that there were exposures, they suggested that the exposures were limited. The DOD's first estimates were 400 troops exposed, then 20,000 troops. In July of this year, the DOD and CIA gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of ''the Pit'' in Khamisyah, an Iraqi munitions facility. Mr. Chairman, I would not be surprised if this estimate is revised upward in the not too distant future, as more information is gathered regarding other incidents of chemical warfare exposure.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effect of chemical exposures, plus the investigational vaccine pyridostigmine bromide, may well be a major cause of the health problems affecting our soldiers.

Dr. Robert W. Haley of the University of Texas Southwestern Medical Center concludes that the gulf war syndromes are caused by low-level chemical nerve agents combined with other chemicals, including pyridostigmine bromide. Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, in studies using hens, found that a combination of two pesticides used in the gulf war, in combination with pyridostigmine bromide causes neurological deficits in test animals, similar to those reported by some gulf war veterans. Dr. Satu Somani and Doctors Garth and Nancy Nicolson have all completed research which concludes that gulf war veterans' illnesses may be due to combinations of chemical exposures in the Persian Gulf. Dr. Claudia Miller reports that there are similarities between the gulf war veterans' symptoms and those of some civilians exposed to organophosphate pesticides, carbamate pesticides, or low levels of volatile organic chemical mixtures. Dr. William Rea concludes that neurotoxic environmental exposures and other personal exposures prior to and during deployment in the gulf may have resulted in chronically deregulated immune and nonimmune detoxification systems, resulting in multisymptom illness. In addition a number of these scientists and physicians have devised treatment protocols for gulf war illnesses and some are reporting success in their treatments. These are the types of research programs and treatment protocols which our Government should be aggressively pursuing for the sake of our veterans, and what I hope will be accelerated as a result of this language.

The National Institute of Environmental Health is eager and ready to begin research and to provide its results to Congress in an expedient manner. This research program will address three areas of which are necessary to better understand the nature of the program. These are: First, capitalizing on the existing body of knowledge of a similar disorder called multiple chemical sensitivity, second, defining individual genetic differences in the ability to metabolize environmental agents commonly encountered during Desert Storm, and third, developing a better understanding of how multiple exposures interact to exert their toxicity on an organism. Moreover, the research program is to include an investigation of treatment protocols which are being developed in the public and private sectors for illnesses resulting from chemical and other environmental exposures.

Once again, I'd like to thank Chairman PORTER and the Appropriations Committee and staff for their cooperation in this effort. I look forward to learning about the progress of this research program as it is implemented, upon enactment of this bill.

HONORING THE REVEREND HARRY J. PILSON AND THE MOUNT PLEASANT BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the esteemed Pastor of the Mount Pleasant Baptist Church, the Reverend Harry J. Pilson and the Mount Pleasant Baptist Church on

their 130th anniversary. The Mount Pleasant Baptist Church has grown under the guidance of Pastor Pilson who is celebrating his ninth anniversary with the church.

Pastor Pilson was born in Bassett, VA on March 7, 1949. While growing up in Henry County, VA he consistently demonstrated a spirit for Christian service. He was a member of the Star of Bethlehem Baptist Church where he served as a member of the Gospel Choir, and the Sunday School. He was also president of the youth group and participated in various civic activities. After completing his secondary education in the Henry County public schools, Harry pursued his higher education at Virginia State College in Petersburg, and the Northern Virginia Community College. He also attended the Virginia Seminary and College in Lynchburg where he received an associates degree in social science and a Bachelor of Arts degree in Christian education. In 1987, Harry received the Master of Divinity degree from Virginia Union University in Richmond. In addition, he received an honorary Doctor of Divinity degree from the Virginia Seminary and College in 1989.

Pastor Pilson joined the Mount Pleasant Baptist Church in September 1988 after having served at the Rivermont Baptist Church in Lynchburg from 1974 to 1988 and the Chestnut Grove Baptist Church in Esmont from 1972 to 1973. Since relocating to northern Virginia, Pastor Pilson has been active in a wide range of community, civic, and religious organizations. He serves on the Northern Virginia Baptist Ministers Conference, and the Mount Vernon Baptist Ministers Association. He is currently serving on the executive boards of both organizations. In addition Pastor Pilson has recently been elected to the Board of Directors for the Virginia Baptist Sunday School, and the Baptist Training Union Congress of Virginia. He has worked as an instructor at the Baptist Training Union for the past 16 years. Pastor Pilson also volunteers his time to serve as a Chaplain at Alexandria Hospital, Chaplain for the Fairfax County police department in Fair Oaks, and Chaplain for the Northern Virginia Chapter of the National Association for the Advancement of Colored People. Pastor Pilson's activities also include his membership on the Executive Board of the Lott Carey Foreign Mission since 1990 and the Alcohol Safety Program Local Policy Board.

Even with these many activities, Harry continues to be a devoted husband and father. He is married to the former Olivia Scruggs of Fluvanna County, VA and they have two sons: Harry James II and Eric LeMar. Pastor Pilson cares for his family in much the same way he cares for his church and its members: he is concerned for their spiritual, social, and mental welfare. Of course, Pastor Pilson's active nature complements the long history of the Mount Pleasant Baptist Church.

The Mount Pleasant Baptist Church has actively served its Lincolnia community for 130 years. Mount Pleasant will begin celebrating its anniversary on September 15 with the celebrations scheduled to go through September 20. Throughout Mount Pleasant's history, the church has promoted the spiritual growth of its members. Mount Pleasant Baptist Church actively serves a wide range of individuals and encourages them to give back to their community.

I know my colleagues and the congregation of the Mount Pleasant Baptist Church will join me in saluting this double anniversary. It is a great pleasure to represent a church devoted to giving back so much to the surrounding community. In addition, it has been an honor to work with an individual such as Pastor Pilson who guides his church to be active in providing service to those less fortunate. I wish him and the Mount Pleasant Baptist Church continued success for many more years to come.

TRIBUTE TO FRED AND ANGELINE ANDREANO ON THEIR 70TH WEDDING ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to Fred and Angeline Andreano, of Patchogue, Long Island, as they celebrate their blessed 70th wedding anniversary with their family and friends on September 18, 1997.

I know my colleagues in the U.S. House of Representatives believe as I do, that marriage is the bedrock of our society, the foundation on which all of our values, beliefs and hopes for the future rest. That is why we, as national leaders, should take a moment to recognize and honor Fred and Angeline Andreano for all of the love, loyalty, hard work, and faith they have dedicated to a marriage that has endured and grown for 70 years.

It was a blessed day in 1927 when Fred Andreano and Angeline Montecalvo pledged their love and fidelity to each other at the St. John the Evangelist Roman Catholic Church in Angeline's hometown of Center Moriches. Born in the nearby South Shore, Long Island, community of East Patchogue, Fred was a young man of 24 when he promised a lifetime of commitment to Angeline, a pledge he has held sacred for seven decades. The love and adoration between Fred and Angeline has blessed them with two wonderful children, Richard and Ann, as well as six grandchildren, and six great-grandchildren.

For the past 70 years, Fred and Angeline Andreano have demonstrated the values, caring and commitment that have given their marriage the strength and stamina to flourish through a Great Depression, two World Wars and 13 Presidents. The foundation of the Patchogue community, indeed, all of Long Island, has been strengthened by the example of hard work and devotion that Fred and Angeline have dedicated to their marriage.

We see the many blessings and gifts that have been bestowed upon Fred and Angeline, of which they so generously share, and understand the true meaning of family values. Mr. Speaker, I ask that this entire chamber join me in offering our praise and heartiest congratulations to them on this remarkable anniversary. A union as blessed as theirs will surely endure forever.

NAFTA, THE FAILED EXPERIMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. LIPINSKI. Mr. Speaker, a recent report compiled by some of America's leading economic, environmental, and labor authorities has confirmed what many people, including myself, have known since 1994—NAFTA has failed.

''The Failed Experiment: NAFTA at Three Years,'' a comprehensive analysis of the trade pact, is a cooperative effort of the Economic Policy Institute, Institute for Policy Studies, the Sierra Club, U.S. Business and Industrial Council Educational Foundation, the International Labor Rights Fund, and Public Citizen's Global Trade Watch. It should be required reading for all Members of Congress as we debate and vote on giving fast-track negotiating authority to the President as he prepares to expand NAFTA to Chile and other Latin American nations.

The portrait of NAFTA that these organizations have rendered is not pretty, but it is hardly surprising to those who have kept a close watch on its corrosive effect on not only the United States, but Mexico and Canada as well.

The even-handed analysis in this report has shown what many have instinctively known since NAFTA went into effect in 1994—this deal has cost us dearly in American jobs. It is estimated that there has been a net loss of 400,000 jobs due to NAFTA.

And not only has NAFTA cost us jobs, but it has put a crimp in the standard of living of other workers. As our trade deficit has exploded to $39 billion with Mexico and Canada in 1996, United States wages have continued to head south. The ''Failed Experiment'' again demonstrates the link between trade deficits and stagnating wages among all workers. NAFTA has accelerated this trend, and has made is much easier for American manufacturers to pack up and leave when workers begin to demand wage fairness. When faced with bargaining with a union, 15 percent of firms actually closed part or all of their plant, which is triple the rate of the late 1980's.

And what of the promises of assistance to workers displaced by NAFTA? According to the Department of Labor, only 5,300 workers have received NAFTA transitional adjustment assistance. Clearly, these programs have only helped a tiny fraction of the people they were intended to reach.

The ''Failed Experiment'' also catalogs how NAFTA has threatened our health, safety, and environment. For instance, maquiladora manufacturing slums in northern Mexico have contributed to cross-border pollution in places such as El Paso, TX, where the ozone level is now at dangerous levels 75 percent of the time. Due to a lack of United States inspectors, unsafe food has streamed into this country from Mexico, with the recent strawberry contamination scare being just one example of the problem. More than 7 percent of all crop imports from Mexico are estimated to contain illegal pesticides, with such meal-time fixtures as lettuce and carrots at well over 10 percent. In addition, more than a quarter of Mexican trucks that roll into Texas each day are loaded with hazardous materials such as corrosives,

chemicals, explosives, jet fuel, poisons, and toxic wastes. These trucks are required to only meet Mexico's lax safety standards. For example, Mexico does not require tractor-trailers to have front brakes. Only a last minute decision in 1995 by President Clinton, under pressure from myself and other Members of Congress, prevents Mexican tractor-trailer trucks from entering the United States.

Perhaps if our trading partners had seen some improvement in the standard of living of their citizens during the last 3 years, there would have been some benefit from NAFTA. However, the study paints a grim picture of the free trade ''boom'' for the people of Mexico and Canada.

Despite the flow of American jobs and capital to our north and south, the average worker has benefited little, if not at all.

In Mexico, the average wage has plummeted since 1993, from $2.40 to $1.51 per hour. In addition, the last 3 years have seen the loss of 2 million jobs and the destruction of 28,000 small businesses.

Part of these problems are attributable to the Mexican peso devaluation of 1995, but as the ''Failed Experiment'' explains so well, the financial crisis was an inevitable part of Mexico's NAFTA plan. The Mexican Government purposely kept the peso's value too high for too long for a number of reasons, but mainly in the hopes of impressing upon the world that its economy was in better shape than it really was. The bottom had to fall out of the peso after the treaty was approved in order for Mexico to attract the foreign investment it so desperately wanted and make Mexican exports cheaper to other countries. Unfortunately, this type of cynical mentality still runs Mexico, and the signs for another peso crash and more misery for working Mexicans are on the horizon.

Meanwhile, our northern neighbor, Canada, has seen a steady decline in its standard of living since joining the United States as the original signatories of NAFTA in 1989. The Canadians have been mired in a recession with unemployment hovering at around 10 percent and the country's comprehensive social safety net is being dismantled in the name of competitiveness. Canada's policies and practices have been harmonized with the rest of North America's—downward.

As Congress examines extending fast-track negotiating authority, I urge my colleagues to read ''Failed Experiment'' and keep in mind the unpleasant track record of this trade pact for not only the United States, but all its participants.

IN MEMORY OF DALE JOHNSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SOLOMON. Mr. Speaker, I recently learned of the untimely passing of Dale Johnson, a constituent of mine from East Schodack, NY, who was a distinguished member of his community.

I knew Dale as the founder and chairman of the Second Amendment Research Group, a not-for-profit educational organization in New York State. This was a group that sought to educate itself and others about the right of citizens to bear arms. Dale also was the vice chairman of the Schodack Conservative Party; a life member of the National Rifle Association; treasurer of the Historical Society of Esquatack; a member of We The People, a New York organization dedicated to ensuring a fair and just State constitutional convention; and a strong supporter and promoter of women's involvement in hunting and shooting sports.

Dale certainly made an impact upon his community. He was active in protecting and strengthening our constitutional rights. Dale also took part in preserving the historical treasures of our community. Anyone who knew him recognized that he stood up for and acted upon the issues and things he felt strongly about.

Dale was a family man, a level-headed and rational human being, and intellectually honest in his pursuits. While he knew how to be a pragmatist, he never sacrificed his core beliefs and values. He will be remembered as a truly great American.

I have attached the words which Dale drafted prior to his death that instructed his family on what to do in case he became incapacitated. I include this because his words say better than anyone can about the type of philosophy by which Dale lived his life. Maybe we can all learn something by taking a moment to read it.

W. DALE JOHNSON, JULY 16, 1943–JULY 27, 1997

At a certain moment a Doctor will determine my brain has ceased to function and for all intent and purposes my physical life has stopped.

When that happens, do not attempt to instill artificial life into my body by use of a machine, and don't call this my ''deathbed.'' Call it my ''Bed of Life.'' Only my body has ceased to be. My spirit and love go on. It is in the hearts of all of you.

If you must bury something bury my faults, my weaknesses, and my human imperfections.

My soul I leave to God, to you my survivors I leave, all the lessons I have taught, my strength, my love, and my memories. If you want to remember me, keep me in your heart for that is where I truly live. Give to those that need you and are weaker, and learn from my mistakes. Never pass upon the opportunity to tell loved ones and friends how proud you are of them and how much you love them—always have a hand ready to extend for support and a hug to reassure in times of trial. Stand up and act on the things you feel most strongly about. Always remember silence is the same as acceptance.

When you bury my mortal remains, do not grieve, for I will not be there. My soul will be on the wind, my laughter in the sunshine, my warmth will be in the summer rain. Be joyful for the time we had, rejoice in my freedom, I am now free of the world's petty problems and I have fought all my fights. I am free to soar with the eagles and reach out and touch the face of God.

SOUTHERN INDIANA'S ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 27, 1997, into the CONGRESSIONAL RECORD.

BOOSTING SOUTHERN INDIANA'S ECONOMY

Southern Indiana has had a solid record of economic development in recent years. Unemployment in this area is at record lows—2% in some counties, the lowest in a generation. The I–65 corridor from Columbus to the Ohio River is one of the fastest growing areas in the Midwest. Three huge industrial projects—Toyota, AK Steel, and Waupaca—have chosen southern Indiana for their home. And wages are beginning to increase, providing more hard-working families with a living wage. Yet despite the progress, a variety of challenges remain as we look ahead to the future and try to enhance the quality of life for ordinary Hoosiers.

BENEFITS OF SOUTHERN INDIANA

Southern Indiana has a lot going for it. Our infrastructure is good—two major interstate highways, a reliable energy supply, and a good system of local roads, bridges, airports, and water-sewer systems. Economic development simply cannot happen without good infrastructure.

Our communities are friendly. Southern Indiana is a good place to work, live, and raise a family. We do not have overwhelming problems of drugs, crime, AIDS, and poverty, as many areas of the country do. Southern Indiana boasts outstanding hospitals, good schools, a world-class public university system, excellent recreational opportunities, good water resources, and many other advantages. If we want to continue economic growth, we must continue to build on these strengths.

CHALLENGES

But that may not be enough—not enough for the world ahead of us. The world is changing, and that change is accelerating. New challenges lie ahead for businesses and workers, as rapid changes in technology, new ways of delivering services, and tough foreign competition alter the economic landscape across the country.

It is no longer enough to have a strong back, a good work ethic, and even a high school education. Today's factory worker needs to have advanced mathematics, computer skills, and teamwork skills.

In today's globalized economy, national economies are more integrated, tariffs have fallen, and technological barriers between countries have been eliminated with the advances in telecommunications and global transportation. Indiana businesses no longer compete just with Tennessee or Michigan—they compete with Turkey and Malaysia.

So who wins in this new competitive world? Much more is needed than good natural resources. In recent years I have sensed a disturbing trend. In almost every plant I have visited recently, plant managers tell me they are concerned that there are now limits on their production, or soon will be, because they cannot find enough good workers. In the days ahead, the community with the most competitive human infrastructure wins the economic development race—the town with the most highly-skilled workers, the region with the best schools and skill training programs. More than ever before, education is key to economic development.

EDUCATION AND TRAINING

We have a good education system in southern Indiana. Many of our students go on to perform well at top universities. They become scholars, engineers, and entrepreneurs. It is not the top students, or even the top half of the students, I am worried about. They are bright and well-motivated, and will prosper. But what worries me are the other students—those in the bottom half, those

who don't go on to college. We are failing to prepare them for today's changing world.

Employers complain that many newly-hired workers lack the capacity or the motivation to learn, do not show up ready for work, do not want to work 8 hours a day and 5 days a week, and frequently quit after a few weeks. One company I met with said they had not hired someone from the local high school in seven years. Another company I visited this summer canceled a planned expansion because they could not find enough skilled workers in the area.

These problems are certainly not unique to southern Indiana. But what all this says to me is that good as we are, as successful as we have been, it is not good enough. We need to do better.

NEEDED STEPS

Clearly a variety of steps are needed to boost economic development in southern Indiana. We need to improve the basic infrastructure of our communities—from roads and bridges, to water systems, to affordable housing. We must do all we can to encourage our talented young people and entrepreneurs to stay in our communities. There is no substitute for talented, creative people. And we need to work to create a business environment in which innovative and competitive efforts of the private sector can flourish. Never forget that small businesses are the backbone of the Indiana economy. They employ more than 2 million Hoosiers.

We need to frankly assess the strengths and weaknesses of our communities and work to build consensus for progress. I know that many Hoosiers are ambivalent about change, but we need to answer the most basic question of all—what kind of communities do we want? And we should recognize the positive role government can play. The character, initiative, and resourcefulness of Hoosiers are still key to our success. But so are various government activities like infrastructure and basic research.

Yet, at the very top of our list must be improving our education and training efforts. We must give priority to early education, stronger high school curricula, tougher education standards, and improved school-to-work programs. We also need to promote business/school partnerships, distance learning, and lifelong learning programs. The emphasis throughout should be on improving the work ethic and on teaching the basic skills: reading, math, communication. We simply must increase the quality of our workforce—by investing in the education and skills of Hoosiers.

And we need to remember that all of our young people must be equipped to participate in a rapidly changing economy. It is not enough to give the top students great opportunity. We have an obligation—and a strong self-interest—to ensure that all of our young people have the skills to fill the jobs in our new economy.

100TH ANNIVERSARY OF THE LATTIMER MINE DISASTER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. KANJORSKI. Mr. Speaker, on September 10, 1897, near Hazleton, PA, a seminal event in American labor history occurred. In one of the earliest efforts by workers to organize to seek better working conditions and higher wages, 19 men died and at least 36 others were wounded in what is now known as the Lattimer Mine Massacre. These men forever changed the face of the American labor movement.

It is difficult to imagine today the working conditions of the miners of 1897. Not only were workers paid low wages for extremely long hours under dangerous and sometimes deadly working conditions, but the coal companies maintained control over virtually every aspect of the miners' lives. They lived in company-owned houses, were forced to buy from company-owned stores, and were treated by company doctors.

The coal mined in northeastern Pennsylvania was the energy source for the industrial revolution in America. Jobs in the coal mining industry gave the newly arrived immigrants from Eastern and Southern Europe of the late 1800's a chance to make better lives for themselves and their children. Immigrants from Italy, Hungary, Poland, and other countries faced enormous prejudices and difficulties in assimilating into American culture and becoming accepted by the native-born population.

On September 10, 1897, 400 men began what was to be a peaceful march and demonstration to fight to obtain better wages, better working conditions, and the ability to organize.

A posse of armed citizens led by the local sheriff attacked the miners in a massacre that left at least 19 men dead and countless others injured.

The Lattimer Mine Massacre and the subsequent trial, which ended in an acquittal of the massacre leader mine superintendent Gomer Jones, brought national attention to workers rights and the plight of the men who toiled under abysmal conditions in our Nation's coal mines. The massacre led to a strengthening of the United Mine Workers of America as the voice for anthracite miners and was the first step in helping to empower miners and break down the walls of anti-immigrant sentiment which these men faced.

Mr. Speaker, in 100 years the labor movement has come a long way. The right of workers to organize and bargain collectively is no longer questioned. Regulations now help ensure the safety of mines and other workplaces.

Mr. Speaker, on the 100th anniversary of this terrible tragedy in American labor history I would like to remember the spirit of the miners that is summed up in the following statement from the monument memorializing the massacre:

"It was not a battle because they were not aggressive, nor were they on the defensive, because they had no weapons of any kind and were simply shot down like so many worthless objects; each of the licensed life takers trying to outdo the others in butchery."

Mr. Speaker, I would also like to include a copy of a story from the Hazleton Standard Speaker from September 10, 1995 which recognized the 98th Anniversary of this event. This article provides a background on what transpired 100 years ago today.

NINETY-EIGHT YEARS AGO, GUNS RANG OUT IN LATTIMER

(By Ed Conrad)

Today marks the 98th anniversary of the Lattimer Massacre, one of the most gruesome days in the annals of American labor.

On Sept. 10, 1897, a group of striking anthracite miners at the A.D. Pardee & Co. colliery near Harwood were marching toward Lattimer Mines in an effort to persuade miners at the Pardee mining operation there to join their cause and walk off their jobs.

Luzerne County Sheriff James Martin and members of his posse, brandishing firearms reported supplied by mining operators, formed a roadblock near the village in an attempt to prevent the unarmed marchers from gaining access to the colliery.

Martin was ordering the miners to turn back when, suddenly, the sheriff fell to the ground, either by accident or when pushed by one of the strikers.

Almost immediately, a shot was fired—by whom has never been precisely determined—and members of the posses began firing their weapons at the marchers and a bloodbath ensured.

Nineteen striking miners were shot and killed, with six more succumbing to their gunshot wounds within two weeks.

The total of 25 men killed and many others injured made it one of the worst incidents of labor violence in the nation's history.

It was due to the growing unrest by striking miners in the Hazleton area that Martin had been asked to intervene and try and keep the peace.

The trouble in the Hazleton area mining area had begun a few weeks earlier at the Honeybrook Colliery, near McAdoo.

Twenty boys who held jobs as mule drivers refused to obey an order from Gomer Jones, division superintendent of the Lehigh and Wilkes-Barre Coal Co., to stable their animals. The boys refused to do so unless they received extra pay.

Consequently, Jones fired the boys and triggered a strike that would leave an indelible mark on labor relations in Pennsylvania's coal fields.

Although, strikes were relatively common in northeastern Pennsylvania's coal fields, this one was worse than most as the miners' resentment against the coal operators continued to escalate.

Martin was notified of the situation and came to Hazleton where he deputized 87 men, some of them prominent persons. They reportedly were instructed to use whatever means necessary to quell any and all disturbances.

Martin, a former mine foreman, also solicited the assistance of sheriffs from both Carbon and Schuylkill counties.

Jointly, the three county sheriffs issued a proclamation banning mob parades and demonstrations.

In open defiance, striking miners began marching from colliery to colliery. Workers in Harwood were told to leave their jobs and join the effort.

It is not generally known but an ugly incident had occurred earlier on the infamous day of the Lattimer Massacre.

The same group of marchers, who hours later would be mowed down in Lattimer, had arrived in the vicinity of Hazle Mines where they attempted to get some of the miners there to join their strike.

However, the sheriff and his deputies stepped in and a brawl erupted, but no member of the posse fired his gun.

In the melee, several of the strikers were injured and two of them arrested.

Nevertheless, organizers of the march felt they had accomplished something because quite a few miners at Hazle Mines, apparently fearing for their well-being, left their jobs and fled from the vicinity of the colliery.

It was at this point that word spread among the marchers that they would leave Hazle Mines and head for the A.D. Pardee mining operation near Lattimer.

As they approached Lattimer, there were approximately 150 marchers who were carrying a pair of American flags.

Then came the confrontation—and the bloodshed.

Martin had given conflicting statements to two different newspapers about what had triggered the gunfire.

''I halted the marching column and read the proclamation but they refused to pay attention and started to resume their march,'' he had told a reporter from the Philadelphia North American.

''I called the leader to stop but he ignored my order and I attempted to arrest him. I hated to give the command to shoot and was awful sorry that I was compelled to do so, but I was there to do my duty.''

Later that same day, apparently on the advice of his attorney, Martin told a reporter from another newspaper that he had not ordered the deputies to open fire.

News of the massacre enraged residents of the entire Hazleton area and violence was feared.

In order to prevent a serious uprising, five regiments of the state National Guard were ordered into the Hazleton area by Gov. Daniel H. Hastings.

Charles McGlynn, a charter member of the original three-man Lattimer Massacre Memorial Committee and currently chairman of that committee, has conducted extensive research on the incident and identified the 19 men who were killed at the scene.

TRIBUTE TO BENNY L. TOLBERT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BARR of Georgia. Mr. Speaker, after 39 years in the banking community, Benny L. Tolbert, a resident of Rockmart, GA, in the Seventh District of Georgia, has taken early retirement. Mr. Tolbert began his career at the Federal Reserve Bank of Atlanta. He later earned certificates from the Georgia Banking School in Athens and the School of Banking of the South at LSU. Mr. Tolbert later served as president of the Rockmart Bank and the Commercial Bank of tallapoosa. He ended his career serving as president and chief executive officer of the First Floyd Bank.

In addition to his banking career, Mr. Tolbert served in civic activities including chairman of the Cedartown Merchants Association, president of the Cedartown Chamber of Commerce, president of the Kiwanis Club of Rockmart and president of the Ruritan Club of Cave Spring. Mr. Tolbert served his country by serving 6 months active duty and 5½ years active reserve.

Mr. Tolbert and his wife, Charlene, are members of the Shorter Avenue Baptist Church where Mr. Tolbert serves as a member of the finance committee, a deacon, and Sunday school teacher.

It is my honor to offer these words in support, and in recognition of, Mr. Tolbert's career of service to his community.

WELDON RECOGNIZES VALLEY FORGE SEWER AUTHORITY FOR EXCELLENCE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take the opportunity today to recognize the Valley Forge Sewer Authority in Valley Forge, PA. Today, the Valley Forge Sewer Authority was presented with the U.S. Environmental Protection Agency, Region III, Operations and Maintenance Excellence Award for 1997.

Valley Forge Sewer Authority's consistent excellence in providing wastewater treatment to a wide area of homes and businesses in and around Valley Forge, as recognized by this award, is particularly noteworthy and deserves special recognition in this year the, 25th anniversary of the Federal Water Pollution Control Act of 1972.

All too often, the positive aspects of our Nation's environmental protection efforts and laws are not acknowledged. Rather, the focus is placed more on the unfortunate instances when our environment is harmed. Valley Forge Sewer Authority, which serves thousands of households and numerous businesses, is an example of how we can live and work in harmony with the environment under the direction of Federal, State, and local laws and regulations.

As the Representative of the Seventh Congressional District, in which the Valley Forge Sewer Authority is located, I ask my colleagues to join me congratulating the authority for its accomplishment. The member municipalities, municipal authorities, and Valley Forge Sewer Authority's management and staff deserve our commendation for true environmental protection.

A TRIBUTE TO THE LATE RICHIE ASHBURN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a man who holds a special place in the hearts of all Philadelphians, Don Richard Ashburn. Richie Ashburn died of a heart attack yesterday in New York at the age of 70. Just hours before, he had been in the booth at Shea Stadium broadcasting a game between the Mets and his beloved Phillies.

For almost 50 years, Richie was a part of Philadelphia. He came up as a rookie in 1948 and promptly won the job of starting center fielder. That year he hit .333 with 32 stolen bases, was the only rookie voted to the all-star game, and was subsequently named Rookie of the Year. He won batting titles in 1955 and 1958, and was known as a superb outfielder who could run down almost any ball. He set records by notching 500 or more putouts in four different seasons and 400 or more putouts in 9 seasons.

On the last day of the season in 1950, with the Phillies leading the Dodgers by only one game in the standings, the two teams met at Ebbetts Field to decide who would take the National League Pennant. With the score tied 1–1 in the bottom of the ninth, a Brooklyn player tried to score from second on a ball hit into the outfield by Duke Snyder. Richie fielded the ball and threw a perfect strike to the catcher, who tagged the sliding Dodger out to end the threat. The Phillies won that game with 10th-inning home run, but it was Richie's throw home that saved the season for the ''Whiz Kids.'' Some of us remember that game like it was yesterday, and I will always remember Richie's voice, which was the voice of the Phillies for decades after his retirement as a player. His midwestern twang, his dry humor, and the sage baseball wisdom which characterized his broadcasts could be heard throughout the city from April to October. Richie was elected to the hall of fame in 1995 and on July 30 that year, more than 35,000 fans, most sporting Phillies red, showed up to usher him into the hall. It was the largest crowd ever at a hall of fame induction ceremony.

The city of Philadelphia lost a friend yesterday. Richie was a class act. All over the city, from the stoops of South Philly to the church which now sits where Connie Mack Stadium once played host to Whitey's many triumphs, the city mourns the loss of its favorite adopted son. Richie Ashburn grew up in a small town in Nebraska, but he came to love Philadelphia as much as Philadelphia loved him. City flags will remain at half-mast until Richie is laid to rest. Mr. Speaker, I ask that my colleagues join me today in honoring the memory of Richie Ashburn, who was more than just a great ballplayer.

DIRECT DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, August 20, 1997, into the CONGRESSIONAL RECORD:

DIRECT DEMOCRACY

One of the more intriguing questions of government is whether it is responsive to the views of the voters. Many Americans think it is not. Others think politicians are too responsive, spending all of their time trying to be reelected and basing their positions on what they think the voters want rather than what they think would be good for the country. My belief is that politicians reflect the views of those they represent more than the people think, but certainly examples can be found to the contrary. In a country as large as ours the people cannot govern themselves directly, at least not on every matter on the national agenda. A fundamental issue of American democracy is the appropriate means for the voters to express themselves.

Under our system of representative democracy, the voters play an essential but limited role. They do not determine public policy but they vote to determine who will determine public policy. In some ways, the accepted notion that every adult is entitled to an equal voice in the conduct of public affairs is difficult to square with the practice of filtering the wishes of the voters through elected leaders.

I sometimes wonder whether we are on the threshold of a transformation in our democracy involving a significant increase in citizen participation. All of us lament the decline of voter participation and the cynical manipulation of our political campaigns. Most of us have a feeling of being ''left out'' of the decision-making process, like the constituent who complained to me that no one asked him whether he favored the recent budget agreement. Occasionally I encounter people who believe government has become an alien force in American life. Faith in major institutions of government is low. The damage to democracy in all of this is obvious.

DIRECT DEMOCRACY

More and more I hear Hoosiers who believe that the answer to problems with the democratic process in this country is to let the people directly make some policy decisions. They are interested in proposals to create electronic town meetings where voters could use advanced technology to register their views on a given issue directly. They like the idea of holding nationwide referenda on issues like tax increases or reform of Social Security.

About half of the states in the U.S. use the referendum, which is a vote by all of the people on a particular proposal. Though state laws vary, this process typically requires garnering the signatures of a certain number of registered voters in support of placing a proposition on the ballot. Indiana law does not provide a way for citizens to put issues directly on the ballot, though citizens do vote on amendments to the Indiana Constitution once they are approved by the General Assembly. The U.S. Constitution does not provide for use of the referendum at the national level.

Proponents of direct democracy note that the information gap between ordinary people and their elected representatives is far narrower now than centuries ago. Thanks to television, radio, instant polling, the Internet, and fax machines, news travels widely and instantaneously. Voters are informed, and they want a part of the action.

POSSIBLE DRAWBACKS

The hope behind direct democracy is that American civic life will be re-energized as voters become more involved. But direct democracy does present problems. First, it sometimes omits time to absorb information and exchange views. While the legislative process doesn't often work quickly, it is designed to allow extensive deliberation.

Second, while direct democracy seeks to make an end run around powerful special interests, this is not easily accomplished. Interest groups simply shift their lobbying focus from politicians to the people. In California, where ballot initiatives are perhaps most prolific, millions of dollars are spent on sophisticated, sometimes misleading, advertising campaigns.

Third, direct democracy could sometimes slight the rights and views of racial, religious, or other types of minorities. Our Founding Fathers warned of the ''tyranny of the majority,'' and expanding direct democracy would probably put more responsibility on the courts to ensure that fundamental constitutional guarantees were preserved.

Fourth, direct democracy places more responsibility on voters. They must move beyond educating themselves about candidates for office to learning about specific issues in some depth.

THE DEMOCRATIC PROCESS

The democratic process does not invariably get us to the right policy, but when citizens talk and deliberate with one another in a spirit of mutual respect, it yields impressive results. Not every issue can be resolved through the democratic process, but even with the tough issues it does permit us to live with disagreement and to move on. When everyone's claim is considered on its merits rather than on the basis of power, status, or wealth, the decisions made will likely lead to better public policy.

The lifeblood of democracy is citizen participation. As people participate in the institutions of civic life—whether schools, churches or community organizations—they are drawn out of their own private interests, they reject cynicism, and begin to think about what is good for their community and country. It is important not to think of direct democracy as a substitute for existing means of participation in the political process, and we should work to increase voter turnout. Direct democracy has its risks, but so does the view that government is inaccessible, unresponsive and unworkable.

I treasure America's unique system of representative democracy, but I also think we need to keep searching for ways to strengthen our democracy by finding better ways to give all Americans a sense that they have a stake in the process. My guess is that with the rapid advances in telecommunications technology and the dissatisfaction many persons now feel with the political process, we will see a demand for more direct democracy and broader citizen participation. It may be that a good dose of direct democracy, carefully administered and selectively used, is just what we need to reinvigorate our democracy.

INTRODUCTION OF HOUSE RESOLUTION EXPRESSING SENSE OF CONGRESS REGARDING GREENHOUSE GASES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce a resolution along with Speaker GINGRICH, Mrs. CHENOWETH, chairman of the House Resources Subcommittee on Forests and Forest Health, Mr. TAYLOR of North Carolina, Mr. HERGER, and Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. MCINNIS, Mr. SESSIONS Mrs. SMITH of Washington, Mr. RIGGS, Mr. CUNNINGHAM, Mrs. CUBIN Mr. NETHERCUTT, Mr. DOOLITTLE Mr. LEWIS of California, Mr. SKEEN, Mr. SCHAFFER of Colorado, Mr. HANSEN, and Mr. RADANOVICH expressing the sense of Congress that the United States should manage its public domain national forests to maximize the reduction of carbon dioxide in the atmosphere.

Global warming has been an issue of great debate and discussion in Congress. Whether you believe human induced global climate change is occurring or not, this resolution deserves the support of everyone.

Science has proven to us that carbon dioxide, the leading greenhouse gas can be taken out of the atmosphere by allowing a young vibrant forest to absorb carbon through photosynthesis. It is stored as wood.

Carbon dioxide can also be kept out of the atmosphere by harvesting the forest before it begins to decompose or burn, thus storing the carbon in wood products that are environmentally friendly, as well as providing an economic benefit to society.

In December of this year, the U.N. Framework Convention on Climate Change, which may commit to the United States to mandatory greenhouse gas reductions, is expected to be signed in Kyoto, Japan. The ramifications of this treaty could be enormous for people, the economy, and our way of life.

The key issue is whether the Clinton-GORE administration will commit the United States to mandatory reductions of carbon dioxide. Mandatory reductions mean it will cost you $8 more each time you fill your gas tank. Mandatory reductions mean your home heating bill will increase by 50 percent. Mandatory reductions will cost taxpayers millions of dollars and will cost many Americans their jobs.

There are alternatives to mandatory reductions of carbon emissions. One alternative is to manage our public forests better in order to extract from the atmosphere and store more carbon dioxide than we currently do. This means using the controls on greenhouse gasses that mother nature gives to us rather than control that Government mandates us to follow.

With this resolution, we send a message to the Clinton-GORE administration. Use mother nature's way of cleaning the atmosphere. Manage our forests to improve the environment. Don't simply impose still more Government controls on our lives.

We must send a message to the Clinton-GORE administration that the Federal Government itself should take the lead in taking steps to reduce the levels of carbon dioxide in the atmosphere. By managing our public domain national forests to minimize additions of carbon dioxide to the atmosphere we will improve our air quality, the health of our Nation's forests and set an example for other nations' as the world prepares for the negotiations in Kyoto, Japan.

CELEBRATING THE 50TH ANNIVERSARY OF INDIA'S INDEPENDENCE

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. KLINK. Mr. Speaker, I rise to celebrate the 50th anniversary of India's independence. On August 15, 1997, India, the world's largest democracy celebrated 50 years of freedom from British rule. Today, Indian emigrants share their culture, diversity, religions, and languages with people throughout the United States. Last week on the floor of this House of Representatives, some Members attempted to perform a great disservice to the proud and distinguished Indian people who have worked so hard to instill democracy in their country.

Mr. Speaker, the road to democracy in India has not been an easy one to navigate. India's first 50 years of independence have been filled with numerous challenges to the nation's sovereignty. Lest I remind those in this Chamber of the tumultuous first century which the Founders of this great Nation endured. But to penalize this country by limiting developmental assistance funding would be an act of ignorance that not even this body could endorse.

India exhibits all of the internal problems that any country of 1 billion people would face. Yes, there is violent crime, yes, there are acts of terrorism, and yes, there is racial violence. But we also have these same problems in our country. Financial punishment of India would be tantamount to the imposition of the death sentence to the millions of children who rely on our assistance to survive.

United States-India relations are strong. India has been able to maintain the democratic principles they were founded on in the face of great diversity. India is a country we should applaud, not condemn. Recently, the Commerce Department designated India as one of the United States' most important trading partners and India's largest investor. I am pleased the House unaminously rejected this most recent attack on India and urge my colleagues to continue to support democracy in this great country.

TRIBUTE TO EVA DEAN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an exceptional woman, Ms. Eva Dean, who will be honored for her outstanding community service on Friday, September 12, 1997, in Helena, AR. Ms Dean is being recognized for her many years as an advocate for the poor and needy of her community. At 76 years old, Ms. Dean continues to be active in political and social endeavors. She has exemplified the spirit of community that is so vital to the future of our country. I commend Ms. Eva Dean for her selfless dedication and service to the citizens of Helena and on behalf of her friends and family, I stand here today to say a heartfelt thank you.

TERRORISM IN ISRAEL MUST BE STOPPED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to call for an end to the terror in Israel and to condemn those who seek to end the peace process by striking at innocent civilians.

Over the past month and half, the citizens of Israel have been the victims of several ruthless and cowardly acts of terrorism. On July 30, two suicide bombers killed 15 Israelis and wounded over 170 others in a popular marketplace. On September 4, bombers struck again at a busy pedestrian shopping mall, killing 5 people and wounding more than 150. The extremist Muslin group, Hamas, has claimed responsibility for both attacks, with the goal of derailing the Middle East peace process and destroying Israel.

While I believe that the peace process should continue to move forward, it cannot do so unless Chairman of the Palestinian Authority, Yasir Arafat, and other Arab leaders, begin to take seriously their role in stamping out acts of terror throughout the region.

A main tenet of the Oslo Accords is that Israel will give land to the Palestinian people only if they can demonstrate their commitment to peace by taking an active role in putting an end to violence and terrorism. It is clear from recent events that Chairman Arafat and the Palestinian Authority are not living up to this commitment.

While the Israeli government has taken active steps to adhere to the Oslo Accords, the Palestinian Authority has cut off negotiations with Israel and violated the Oslo agreement by terminating security cooperation with Israel that was intended to crack down on terrorism. And in an act that says a great deal about Palestinian leaders' attitude about terrorism, within days of the July bombing that killed 15 Israelis, Arafat publicly embraced an extremist Hamas leader. These are hardly the actions of a man who is committed to ending terrorism and forging a lasting partnership with Israel.

I am encouraged by the fact that Madeleine Albright has undertaken her first visit to the Middle East since becoming U.S. Secretary of State. I call on Secretary Albright to tell Chairman Arafat and other Arab leaders that the United States is fully committed to pursuing a lasting peace in the Middle East, but will not back down in the face of those who would use terrorism as a weapon against peace.

Secretary Albright should also make it clear to Arafat that he cannot continue to inflame passions in this situation by blaming the Israelis themselves for these acts of terror. Following the bombing in July, and again this month, Arafat claimed that the Israeli government should be held partially responsible for these atrocities because it has created a hostile environment for Arabs living in the region. This type of irresponsible scapegoating only encourages further acts of terrorism and undermines the entire peace process.

Mr. Speaker, the Middle East peace process is at a genuine crossroads. At this tenuous time, the United States must recommit itself to moving the process forward while helping to protect Israel against those who are waging a war of terror against the Israeli people. I call on all of my colleagues to assist in this effort, and I offer whatever encouragement I can to the Israeli people at this difficult time.

THE DEATH PENALTY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, September 3, 1997, into the CONGRESSIONAL RECORD:

THE DEATH PENALTY

Several recent criminal trials have raised the profile of the death penalty in the United States. Use of the death penalty is accelerating, aided by changes in court procedures and in state and federal laws. Since a 1976 Supreme Court decision that revived the use of capital punishment, 398 persons have been executed in the United States. About 3,000 persons are currently on ''death row'': sentenced to death but awaiting court appeals. Roughly 40 are women. Because of the seriousness and irreversibility of the punishment, most states require immediate review of all death sentences. In 1996, 45 persons were executed. Forty persons were executed in the first half of 1997, the fastest rate since the 1950s.

The death penalty is quite popular in public opinion polls. Politicians often point to their support of the death penalty as evidence they are ''tough on crime''. By supporting the death penalty they believe (and I think quite sincerely) that they are doing something about crime. Yet I have serious doubts that executions are either an effective or appropriate response to the worst crimes.

First, I am concerned with the irreversibility of the execution and the possibility of error that exists in the use of the death penalty. Since 1973, 69 persons have been released from death row with evidence of their innocence. With new rules limiting appeals, however, even persons who can reasonably demonstrate their innocence with new evidence could conceivably be executed. Most Americans have reasonable confidence in our judicial system, but mistakes are made. If we have the death penalty, we will execute innocent people. For the innocent victim of an error in a capital case, there is no remedial action. Also, execution of an innocent person lets the real murderer off the hook. If the government never made a mistake, I would be much more inclined to support the death penalty.

Second, the administration of the death penalty is seriously flawed. It is both expensive and unfair. Nationally, we spend about $10 billion per year to implement the death penalty. The cost of the death penalty per executed prisoner in Texas is $2.3 million—three times the cost to put someone in maximum security for 40 years. Even if the death penalty could be proven to deter crime, there are more prudent ways to allocate our judicial resources. For example, the funds spent on death penalty cases could be used to deploy more police officers, to hire more prosecutors, and to keep other criminals in prison longer. These steps are more likely to reduce the overall crime rate.

The use of the death penalty often results in a distortion of our justice system. Each death penalty case is so widely publicized and magnified that it becomes extremely difficult for the evidence to be considered carefully and dispassionately. The purpose of a trial is to seek truth; that purpose is thwarted by the sensationalism of a capital case. Because it is very hard to convict a person of a capital crime, the entire criminal process becomes so lengthy and complex that it is often not possible to achieve a fair and effective administration of justice. Too many persons sentenced to die have ineffective legal representation. The poor, uneducated, mentally handicapped, and eccentric are executed disproportionately more than middle class whites—even comparing similarly heinous murder cases. The race of the victim is often an important factor. In all of the executions since 1976, almost 90% of the murder victims were white, although half of all victims in the United States are black. No matter what you think of capital punishment, a legal system that will end a life must first provide justice. I have come to the view that the death sentence cannot be fairly and decently administered.

Third, for all its expense, the death penalty has not been proven to deter crime. Murder rates in states with the death penalty are just as high as in neighboring states without it. No connection has ever been shown between murder rates and capital punishment. At the very least, the burden ought to be on death penalty supporters to prove that it does, in fact, deter crimes. I do not think such credible evidence exists today. There may be cases in which a criminal would not kill because he does not want to risk the death penalty, but there may also be situations where the death penalty could encourage a criminal to kill, such as when a criminal thinks he is going to be executed anyway, so it might be safer for him to kill a witness or an informer.

Fourth, the interests of society can be fully protected with life in prison without parole. A guaranteed life sentence, with no hope for parole, will be just as effective at preventing that person from committing future crimes. When government makes a mistake and convicts an innocent person, we would still have the opportunity to correct the mistake. Public opinion polls show that support for the death penalty drops sharply when people are given the alternative of life sentences without parole.

Fifth, my basic view is that the taking of life, even by the state, is simply wrong—even when the person executed is morally reprehensible. The state has the right and the obligation to punish a murderer severely, but it should not endorse more killing. The death penalty demeans our society and violates a basic tenet of most Americans' religious heritage: Thou shalt not kill. Religious

leaders such as the Pope decry the use of the death penalty. Proponents argue that taking a life—even an occasional innocent life—is a necessary cost of social order. I disagree. We should not lower ourselves to the level of the criminals. The death sentence endorses violence, and violence begets violence. We must show every compassion for crime victims, and deal severely with those convicted of egregious crimes, but the state should follow a higher moral standard than criminals.

I prefer to impose life without parole for serious crimes.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. CARSON. Mr. Speaker, on Monday, September 8, and Tuesday, September 9, I was necessarily absent from the House and unable to cast the following rollcall votes. Had I been present, I would have voted as follows:

Nay on rollcall vote No. 369, the Blunt amendment which sought to reduce funding for the Occupational Safety and Health Administration by $11.2 million and increase funding for vocational education by $11.2 million.

Nay on rollcall vote No. 370, the Norwood amendment which sought to reduce funding for the Occupational Safety and Health Administration by $11.2 million and increase funding for Individuals with Disabilities Education Act by $11.2 million.

Nay on rollcall vote No. 371, the Miller of California motion to adjourn.

Nay on rollcall vote No. 372, the Doggett motion to adjourn.

Nay on rollcall vote No. 373, the Souder amendment that sought to transfer $21 million from the Occupational Safety and Health Administration Federal enforcement account and $2 million from the executive direction and administration account to the compliance assistance account.

Nay on rollcall vote No. 374, the McIntosh motion that the Committee rise.

Yea on rollcall vote No. 376, the Burton amendment that sought to provide $1 million in funding for the ''We the People'' educational program designed to educate high school and middle school students on the Constitution and the Bill of Rights.

Nay on rollcall vote No. 377, the Coburn amendment that sought to transfer $35 million to the State AIDS Drug Assistance Program from a variety of accounts.

Yea on rollcall vote No. 378, the Castle substitute amendment to the Istook amendment to require health centers that receive Federal planning funds to encourage family involvement and to counsel minors on methods to resist coercive sexual activities.

Yea on rollcall vote No. 379, the Istook amendment as amended by the Castle substitute amendment that requires providers of services under title X of the Public Health Service Act to certify that family participation is encouraged in the decision of minors to seek family planning services and that counseling is provided on how to resist coercive sexual activities.

VINCENT ''JIM'' GIANNOTTI HONORED

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MALONEY of Connecticut. Mr. Speaker, in recent years we have appropriately focused on the spirit of voluntarism and the benefits to both the volunteer and the service to which time is being given. It is an honor for me to bring to the attention of the House of Representatives and the American people an individual who exemplifies voluntarism and who has given so much of himself. Mr. Vincent ''Jim'' Giannotti of Meriden, CT, has served as a volunteer to the Veterans Memorial Medical Center in Meriden since September 18, 1979. This Friday, September 12, 1997, Jim will retire from the medical center after completing 18 years of volunteer service.

It is significant that Jim's service to the medical center didn't start until he was 72 years of age. This coming December 18, Jim will celebrate his 90th birthday. Since 1979, he has contributed over 19,000 hours of his time to the medical center.

Jim began his service with the delivery of newspapers to patients, visiting with them along the way, and giving them both friendship and companionship. He also volunteered in the Surgicenter and was a patient representative volunteer. Jim could always be counted on to fill in wherever he could and would gladly accept any assignment. He was not only a valuable asset to the volunteer department, but to the entire hospital as well.

Jim Giannotti is held in the highest esteem and is clearly respected by all who know him. Over the years, his tireless efforts and his unselfish donation of time and energy have helped the lives of so many and has helped Veterans Memorial Medical Center better serve the community.

Mr. Speaker, on behalf of all of the people whose life he has touched, I want to congratulate Vincent ''Jim'' Giannotti upon his retirement and to thank him for his many years of service.

TRIBUTE TO DR. HAZEL HAWKINS-RUSSELL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. CALVERT. Mr. Speaker, I take the floor of the House today to honor and praise a magnificent educator and leader. I am proud to have her working in my district, continuing the tradition of educational excellence in our community. She is an outstanding advocate for increasing educational opportunities for minorities and those with special needs. The woman of whom I speak so highly and hold in such high esteem is Dr. Hazel Hawkins-Russell, who has persisted tirelessly with her work in education for 50 years. Dr. Hawkins-Russell has been a tremendous influence and positive role model for the youth of Riverside, CA.

Back in 1947, Dr. Hawkins-Russell made history as the first African-American school teacher to be hired in what was then known as the Riverside city schools. For the next 23 years, she taught both elementary and junior high schools where she touched the lives of all of her students. Her enthusiasm and positive spirit served as an inspiration, and every student left Dr. Hawkins-Russell's class with a little piece of her in their hearts.

In 1970, after her career as a teacher, Dr. Hawkins-Russell became a consultant for the Pupil Services Department of the Riverside Unified School District. It was her responsibility to have an extensive knowledge of all California laws relating to minors. She provided technical assistance to schools in all discipline cases, prepared each case for hearing panels, and worked extensively with youth groups and services. Dr. Hawkins-Russell's mission was to help children who were having problems and prevent them from slipping through the cracks unnoticed or ignored.

From 1974 to 1982, Dr. Hawkins-Russell was the coordinator of the Emergency School Aid Act, a federally funded program that provided aid in remedial math and reading, as well as programs in multi-cultural awareness, human relations, tutorial assistance, staff development, parent effectiveness training, and conflict resolution. She was selected three times to assist in evaluation of ESAA proposals on a national level here in Washington, DC, and once on a regional level in San Francisco.

Aside from her job, Dr. Hawkins-Russell was actively involved with several organizations that are devoted to improving education. She was president of the Association of California Intergroup Relations Educators, worked as interim co-director at Riverside NAACP Child Development Centers, and was a member of the Western Riverside County Mental Health Association and the Attorney General's Commission on Racial, Religious and Minority Violence. She also served on the State library steering committee as a representative of San Bernardino, Orange, Inyo, and Riverside Counties and was elected as a delegate for the State of California to the White House Conference on Libraries and Information Services.

Let me add to this amazing list of achievements by mentioning a few honors she has received. She has been recognized with the ACIRE Presidents Award, the YWCA Award for Outstanding Community Leadership, a certificate for outstanding service at the First National Human Relations Conference, the Derby Club Outstanding Black Woman Inland Area Trophy, and most recently, the Ida Louise Jackson Graduate Achievement Award presented by Alpha Kappa Alpha sorority.

Dr. Hawkins-Russell continues to work in education as an adjunct faculty member at Riverside Community College. Dr. Hawkins-Russell's drive for excellence is a rare commodity, and she has touched the lives of many during her 50-year career as an educator. I am extremely privileged to have such an exceptional person serving the youth in my district. I would like to take this opportunity to thank Dr. Hawkins-Russell for her 50 years of hard work and the accomplishments she has made for education in my district, as well as the Nation. She has set a standard for community service and leadership that will remain for years to come. I hope that Dr. Hawkins-Russell will continue to be an advocate for children and quality education. I wish her happiness and good luck in her future endeavors.

THE TRUE IMPACTS OF NAFTA ON THE U.S. ECONOMY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DEFAZIO. Mr. Speaker, I recommend that all my colleagues read the article reprinted below from the Washington Times by Charles McMillion for an objective assessment of the true impacts of NAFTA on the U.S. economy.

[From the Washington Times, Sept, 1, 1997]

U.S. SHOULD SLOW DOWN AND THINK BEFORE RACING AHEAD ON FAST TRACK

(By Charles W. McMillion)

There are few things more important to our local and national economy today than global investment and trade. With our terrific new technologies and more than 1 billion (one in three) of the world's workers unemployed, what policies work best in driving growth and prosperity?

Unfortunately, this is not the high-minded debate we will hear this week as Congress begins discussions on renewing ''fast-track'' negotiating authority for President Clinton to expand the North American Free Trade Agreement south of Mexico.

Instead, brace yourself for an awesome display of big-money arrogance and raw public relations power by the few dozen largest corporations and financial institutions that dominate discourse on these vital concerns.

Speaking for these powerful special interests—and key campaign contributors—President Clinton declared again last week: ''Already, over the last four years more than 25 percent of our economic growth has come from overseas trade.''

This statement may be true for the small group of private interests. But it is pure nonsense for the U.S. economy. The United States must borrow from abroad or sell assets worth $3 billion each week to pay for our trade losses. Workers and firms throughout the country have taken cuts in pay and profits to avoid becoming a trade statistic.

Yet global trade is one of the four defining elements of our nation's gross domestic product. The others are consumer spending, private investment and government spending.

U.S. economic losses from trade, large when Mr. Clinton came into office, have grown each year, setting world records. Trade has sharply reduced the U.S. economy. It is one of the reasons that growth has been slower and the U.S. dollar far weaker in the current recovery than in any other similar period on record.

Beyond the simple arithmetic, U.S. trade losses are now compounded by the composition of trade. Unlike a generation ago, when oil and basic commodities accounted for most U.S. trade losses, today's losses are dominated by autos and high-tech electronics. Global commerce, dominated by a few transnational companies, is now largely a tool that undermines domestic producers and living standards.

While the Dow Jones industrial average has soared more than 150 percent the past five years, average salaries, health care and retirement benefits have declined.

But despite these facts, a ''globaloney'' PR campaign will promote the benefits of expanding NAFTA.

NAFTA, ratified four years ago, was sold by the business and political elite as a precedent-setting investment and trade pact among the sleeping giant of Mexico, with its population of 93 million, the United States (population 260 million) and Canada (population 29 million). But the administration and big-business lobby have recently been forced to wildly spin NAFTA's effects.

Several no-longer (if ever) independent ''think tanks'' funded by transnationals, their foundations and the government, from Brookings to Heritage, have put out reports using remarkably similar and inappropriate assumptions to reach the conclusion that NAFTA has had a slight but positive effect on both the United States and Mexico.

Yet under NAFTA Mexico has suffered its worst depression since the 1930s, with incomes still 15 percent to 20 percent below 1993 levels.

Gone is any reference to Mexico's population, three times the size of Canada's, or to its young and well-educated labor force, which is growing by more than 1 million per year. Now Mexico is presented as an almost insignificant little place with an economy only one-twenty-eighth the size of the U.S. economy. This to pretend that Mexico can have very little effect on U.S. workers or firms.

Gone also is any mention of the post-NAFTA $50 billion package of stabilization loans that the administration insisted two years ago was essential to head off economic collapse in Mexico. This omission is particularly odd because it was the equivalent of a $1.4 trillion loan, had it been made to the United States.

Now the spin is that ''opponents can't dispute'' the claim that NAFTA greatly cushioned the impact of Mexico's economic crisis. Of course, if there were any ''cushioning'' effect on U.S.-Mexico trade, this massive U.S. loan—not NAFTA—would deserve the, well, credit.

And what, exactly, is the extent of this supposed cushioning on U.S. trade? On a balance-of-payments basis, the worst previous U.S. trade losses with Mexico were in 1983 and 1984, when they reached $7.5 billion and $6.1 billion, respectively, and were concentrated in oil and simple commodities. By contrast, U.S. trade losses soared to $16.6 billion and $18.4 billion in 1995 and 1996, respectively. U.S. trade losses to Mexico are concentrated now in high-wage, highly productive manufacturing industries such as autos and electronics.

By contrast, the rest of the world continues to enjoy large trade surpluses with Mexico.

Peso devaluations have been a common occurrence in Mexico for a generation. The 47 percent devaluation in 1995 was less severe than devaluations in 1982, 1983, 1986 and 1987 and barely worse than those in 1984, 1985 and 1988. It is not politically correct to ask the obvious question: Why are the effects of the post-NAFTA devaluation so much worse than those that came before?

The answer points to the failed elements of NAFTA and to the debate that is needed before repeating mistakes that are already costly to most citizens, even as they enrich a powerful few.

NAFTA has far more to do with providing new powers to investors and speculators than with tariff reduction. Tariffs now amount to no more that a few percentage points and are insignificant in the face of 10-to-1 or 20-to-1 differentials in production costs between the United States and Mexico for many industries.

These new private powers give investors, for example, the standing to sue governments directly in international tribunals over a wide range of ill-defined regulatory matters. These powers are what suddenly catapulted $60 billion in global hot money into Mexico as NAFTA took shape, turning it briefly into the fast-buck capital of the world.

As the International Monetary Fund and others have noted, these massive capital flows leave countries highly vulnerable to worldwide events, dramatically increase investors' influence and leave governments little room to manuever in time of crisis.

NAFTA's investors and trade provisions have clearly failed the vast majority of Americans and Mexicans. To ignore this experience and lurch ahead could be a fast track to deep trouble.

TRIBUTE TO SAMUEL L. JACKSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MATSUI. Mr. Speaker, we rise today to pay tribute to an exceptional public servant and leader in the Sacramento community, Mr. Samuel L. Jackson.

A native of Florida, Sam Jackson was born in Pensacola in 1947. Early on, Mr. Jackson set himself apart as an honor roll student committed to obtaining a worthy education. To further this goal, Mr. Jackson enlisted in the U.S. Air Force in 1966. His military service, including a 13-month tour of duty in Vietnam, allowed him to serve his country and earn money for college.

After his discharge from the Air Force in 1970, Mr. Jackson followed through on his educational goals, first at Sacramento City College, and then at California State University, Sacramento. Following his graduation with honors from CSUS, Mr. Jackson enrolled at the University of the Pacific, McGeorge School of Law in 1974. There, he served as president of the Black Law Students Association in 1976. At his graduation from McGeorge in 1977, Mr. Jackson was presented the Faculty Outstanding Student Achievement Award, becoming the first student of color to ever receive that high honor.

As a young attorney, Sam Jackson worked as a criminal prosecutor in the Sacramento County District Attorney's Office from 1977 until 1979. Then, he accepted a position with the city of Sacramento as a deputy city attorney. By 1988, Mr. Jackson had risen to the position of senior deputy city attorney in the minimum time allowed. In 1989, he became the first African-American elected president of the Sacramento County Bar Association.

Mr. Jackson also maintained his long-standing commitment to education by serving as a professor of legal studies at American River College from 1979 to 1994.

In 1994, Sam Jackson's tireless efforts on behalf of the people of Sacramento, marked by an esteemed reputation for integrity and community activism, earned him the post of city attorney by a unanimous vote of the city council. In this position, Sam Jackson has excelled as a tough litigator for the city of Sacramento. But he has never foregone the community service endeavors which are so near to his heart, especially his work with children.

As a strong advocate for the Big Brothers and Big Sisters organization, Little League baseball, Sacramento's St. Hope Academy, and the Citizenship and Law-Related Education Center, Sam Jackson has established a legacy of service on behalf of Sacramento's youth.

He has also thrived in a number of influential professional legal organizations in California. In 1995, he became the first African-

American elected to the California State Bar's board of governors. He also became the first person of color elected president of the Alumni Association for his alma mater, McGeorge Law School.

Mr. Speaker, we ask our colleagues to join us in saluting Samuel L. Jackson for a remarkable record of professional excellence and community service. The people of Sacramento are the proud beneficiaries of Sam Jackson's hard work and good citizenship.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 13, 1997, into the CONGRESSIONAL RECORD:

REFORMING MEDICARE[1]

Medicare has been a very successful government program in providing for the health of older persons and the disabled. It has substantially improved access to health care. Because of Medicare, the percentage of older Americans with health coverage has increased from less than 50% in the 1960s to 99% today. And since it was initiated three decades ago, life expectancy at age 65 has increased by more than it did in the six decades before Medicare. All of this has made Medicare one of our most popular social programs.

But Medicare has some major cost-related problems. First, its sharply increasing costs have been a major contributor to the large budget deficits of recent years. In just three decades its costs have grown to about 2½% of the nation's gross domestic product (GDP). And if no action is taken it will claim nearly 4% GDP ten years from now and 8% of GDP by the middle of the next century. It is simply not possible to balance the budget and keep it balanced unless large Medicare savings are achieved. Second, the numbers driving the future projections are simply relentless. Today we have 24 million retirees, but when the baby boom generation is fully retired the figure will be 48 million. Yet the number of working-age citizens whose payroll taxes finance most of the Medicare benefits will increase only 20% in that period and Medicare spending per beneficiary continues to rise. Third, excess care is often provided, as beneficiaries simply do not have to decide if medical services are worth their cost. And providers do not have sufficient incentive to reduce the cost of medical services because their payments are based on the number and type of services they provide. Finally, the amount of fraud and waste in the Medicare program, is huge. The government spends about $200 billion a year on Medicare, yet recent estimates are that ⅓ of that consists of overpayment. We now have only about one agent to investigate every $10 billion of Medicare spending.

Program Changes: Given the rapid projected growth in Medicare, it is not politically realistic to expect tax increases to restore solvency to the program, especially in the current anti-tax mood in the country. Thus Congress is focusing on cutting back costs and restructuring the Medicare program. There are three main approaches: cutting back payments to providers (doctors and hospitals), requiring Medicare beneficiaries to pay more, and restricting Medicare to provide for market-based incentives. These approaches are not mutually exclusive, and reform is proceeding along all three lines.

Cutting back payments to providers: Medicare's prospective payment system for hospitals has helped curb payments to providers. This system creates roughly 470 diagnosis-related groups (DRGs) into which hospitals admissions have to be placed. It is a complex system, but it has created incentives for hospitals to be more efficient. Yet the prospective payment system is no panacea. The payments apply only to certain Medicare-covered services, and when payments to providers are cut back they often respond by performing more services to offset some of their income loss. The recently passed budget reconciliation agreement achieved most of its savings by curbing and reforming payments to providers, but it is generally agreed now that cutting back fees is not a long-range solution to the Medicare problem.

Making patients pay more: Another approach is to make the beneficiaries—the patients—pay more. More of the burden could be shifted to beneficiaries by increasing their costs or increasing the age of Medicare eligibility. In general, most of the experts think that it makes some sense to impose at least part of the burden on Medicare beneficiaries since they are the ones who receive the benefits. This year Congress considered proposals to strengthen Medicare's financial condition by charging extra premiums to wealthier retirees, raising the eligibility age, and imposing a co-payment of $5 per visit for home health care services. None of those proposals survived in the final bill, but there is broad agreement that it would be a mistake to consider them dead.

Restructuring program: The third approach is to redesign the Medicare system in a way that can improve its efficiency. Today Medicare guarantees people a particular insurance plan. An alternative, ''choice-based'', system would guarantee people a fixed amount of money with which to purchase health insurance, but it would not specify which policy they are to receive. The shopping for insurance plans would encourage the plans to be more efficient and would create more competition. A choice-based system probably holds the most promise for restraining costs, but it will not be easy to implement. The choices offered, the price, the eligibility for the plans, and how to protect poorer beneficiaries all would have to be worked out.

Congressional Action. Congress must soon begin a fundamental reexamination of this immensely popular but hugely expensive program. I believe Americans understand the need for change. They recognize the amount of fraud and waste in the Medicare system and also realize that the projections about its future growth mean the program in its present form is unsustainable. But Medicare reform is as difficult as it is essential. The temptation for the politician is to deal only with the problems of the next few years but not much beyond. But Medicare will need more than that. It is certainly going to be a major test of the nation's political system to see if it has the capacity to resolve the problems for the longer term rather than to lurch from one crisis to another.

The sooner we begin restructuring Medicare the more options we will have and the less wrenching the changes will be. Whatever changes are made, caution and prudence will be virtues in dealing with a program as vital to millions of vulnerable Americans as Medicare. The reform process should proceed at a deliberate pace. It does not have to be accomplished all in a matter of two or three years. It will be complicated, divisive, and time-consuming. I doubt very much if we get it correct the first time. Mid-course corrections and adjustments will be necessary throughout the process, but it is very clear to me that we should get on with the job.

[1] Material taken from Setting National Priorities: Budget Choices for the Next Century, Robert D. Reischauer, Editor, The Brookings Institution Press, Washington, DC, 1997.

SAINT JOAN OF ARC ELEMENTARY SCHOOL AWARDED NATIONAL BLUE RIBBON AWARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize the outstanding work and educational achievements of Saint Joan of Arc Elementary School in Jackson Heights, NY. The school has recently been selected as a Blue Ribbon School Program winner by the U.S. Department of Education.

Established in 1982, the Blue Ribbon Schools Program honors elementary and secondary schools that offer rigorous, efficacious curricula to their students. Schools selected for the Blue Ribbon Award must have challenging academic standards and curriculum, high retention and graduation rates, strong school, family, and community partnerships, excellent teaching and teacher development, and must provide a safe, disciplined, drug-free learning environment for their students.

Schools were nominated by State education agencies, the Council for American Private Education, and the Department of Defense Dependents Schools. Schools selected for recognition conducted a rigorous self-evaluation involving administrators, faculty, students, parents, and community representatives in the completion of their nomination application. This self-evaluation included an assessment of the school's individual strengths and weaknesses and the development of strategic plans for the future.

Saint Joan of Arc Elementary School is one of only 36 private schools and 226 public schools selected from among the 527 schools, from over 40 States, to be nominated this year. Saint Joan of Arc is the only school in the city of New York and the only Catholic School in the State of New York to be so honored.

In today's world where many students are forced to attend school in overcrowded classrooms, learn from outdated textbooks, do without the most basic computer technologies, it is imperative that we commend and encourage those institutions and educators who excel.

Mr. Speaker, I know my colleagues join me in congratulating the administrators, faculty, and students of Saint Joan of Arc School on their outstanding achievement.

INTRODUCTION OF THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT [FAIR] ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FAWELL. Mr. Speaker, I rise today to introduce a bill which will level the playing field

for small businesses as they face an aggressive National Labor Relations Board [NLRB] with vast expertise and resources. The Fair Access to Indemnity and Reimbursement Act—the FAIR Act—is about being fair to small businesses. It is about giving small entities, including labor organizations, the incentive they need to fight meritless claims brought against them by an intimidating bureaucracy which often strongarms those who have limited resources to defend themselves.

The FAIR Act amends the National Labor Relations Act to provide that a small business or labor organization which prevails in an action against the NLRB will automatically be allowed to recoup the attorney's fees and expenses it spent defending itself. The FAIR Act applies to any employer who has not more than 100 employees and a net worth of not more than $1.4 million. It is these small entities which are most in need of the FAIR Act's protection.

Mr. Speaker, the FAIR Act ensures that those with modest means will not be forced to capitulate in the face of frivolous actions brought by the NLRB, while making the agency's bureaucrats think long and hard before they start an action against a small business. By granting attorney's fees and expenses to small businesses who know the case against them is a loser, who know that they have done nothing wrong, the FAIR Act gives these entities an effective means to fight against abusive and unwarranted intrusions by the NLRB. A government agency the size of the NLRB—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a case before bringing a complaint against a small business, which is ill-equipped to defend itself against an opponent with such superior expertise and resources. The FAIR Act will provide protection for an employer who feels strongly that its case merits full consideration. It will ensure the fair presentation of the issues.

The FAIR Act says to the NLRB that if it brings a case against a little guy it had better make sure the case is a winner, because if the Board loses, if it puts the small entity through the time, expense and hardship of an action only to have the business or labor organization come out a winner in the end, then the Board itself will have to reimburse the employer for its attorney's fees and expenses.

The FAIR Act's 100-employee/$1.4 million net worth eligibility limits represent a mere 20 percent of the 500-employee/$7 million net worth limits that are in the Equal Access to Justice Act [EAJA]—an act passed in 1980 with strong bipartisan support to level the playing field for small businesses by awarding fees and expenses to parties prevailing against agencies. Under the EAJA, however, the Board—even if it loses its case—is able to escape paying fees and expenses to the winning party if the Board can show it was substantially justified in bringing the action.

When the EAJA was made permanent law in 1985, the Congress made it clear in committee report language that the NLRB should have to meet a high burden in order to escape paying fees and expenses to winning parties. Congress said that for the agency to be considered substantially justified it must have more than a reasonable basis for bringing the action. Unfortunately, however, courts have undermined that 1985 directive from Congress and have interpreted substantially justified to mean that the Board does not have to reimburse the winner if it had any reasonable basis in law or fact for bringing the action. The result of all this is that the Board easily is able to win an EAJA claim and the prevailing business is almost always left high and dry. Even though the employer wins its case against the Board, the Board can still avoid paying fees and expenses under the EAJA if it meets this lower burden. This low threshold has led to egregious cases in which the employer has won its NLRB case—or even where the NLRB has withdrawn its complaint after forcing the employer to endure a costly trial or changed its legal theory in the middle of its case—and the employer has lost its followup EAJA claim for fees and expenses.

Since a prevailing employer faces such a difficult task when attempting to recover fees under the EAJA, very few even try to recover. For example, Mr. Speaker, in fiscal year 1996, the NLRB received only eight EAJA fee applications, and awarded fees to a single applicant—for a little more than $11,000. In fiscal year 1995, the Board received only nine fee applications from prevailing parties and awarded fees to only four applicants totaling less than $50,000. Indeed, during the 10-year period from fiscal year 1987 to fiscal year 1996, the NLRB received a grand total of 100 applications for fees. This small number of EAJA awards arises in an overall context of thousands of cases each year. In fiscal year 1996 alone, for example, the NLRB received nearly 33,000 unfair labor practice charges and issued more than 2,500 complaints, 2,204 of them settled at some point post-complaint.

The NLRB understandably argues the lack of successful EAJA claims is due to it carefully issuing only worthy complaints—those it is substantially justified in bringing. Does anyone believe this? Of 2,500 complaints last year the Board was unreasonable one time? In fact, Mr. Speaker, employers who have prevailed against the Board recognize the long odds of winning, and high expense of undertaking, additional EAJA litigation. Since it is clear the EAJA is underutilized at best, and at worst simply not working, the FAIR Act imposes a flat rule: If you are a small business, or a small labor organization, and you prevail against the Board, then you will automatically get your attorney's fees and expenses.

The FAIR Act adds to new section 20 to the National Labor Relations Act. Section 20(a) simply states that a business or labor organization which has not more than 100 employees and a net worth of not more than $1.4 million and is a prevailing party against the NLRB in administrative proceedings shall be awarded fees as a prevailing party under the EAJA without regard to whether the position of the Board was substantially justified.

The FAIR Act awards fees and expenses in accordance with the provisions of the EAJA and would thus require a party to file a fee application pursuant to existing NLRB EAJA regulations, but the prevailing party would not be precluded from receiving an award by any burden the NLRB could show. If the Board loses an action against the small entity, the Board pays the fees and expenses of the prevailing party.

Section 20(b) of the FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB. This covers situations in which the party wins a case against the Board in civil court, including a proceeding for judicial review of Board action. The section also makes clear that fees and expenses incurred appealing an actual fee determination under section 20(a) would also be awarded to a prevailing party without regard to whether or not the Board could show it was substantially justified.

In adopting EAJA case law and regulations for counting number of employees and assessing net worth, an employer's eligibility under the FAIR Act is determined as of the date of the complaint in an unfair labor practice proceeding or the date of the notice in a backpay proceeding. In addition, in determining the 100-employee limit, the FAIR Act adopts the NLRB's EAJA regulations, which count part-time employees on a proportional basis.

Mr. Speaker, the FAIR Act will arm small entities—businesses and labor organizations alike—with the incentive to defend themselves against the NLRB. The FAIR Act will help prevent spurious lawsuits and ensure that small employers have the ability to effectively fight for themselves when they have actions brought against them by a vast bureaucracy with vast resources.

If the NLRB wins its case against a small employer than it has nothing to fear from the FAIR Act. If, however, the NLRB drags an innocent small employer through the burden, expense, heartache and intrusion of an action that the employer ultimately wins, reimbursing the employer for its attorney's fees and expenses is the very least that should be done. It's the FAIR thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

FLORIDA INTERNATIONAL UNIVERSITY'S 25TH ANNIVERSARY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. DIAZ-BALART. Mr. Speaker, I rise today to congratulate Florida International University for 25 years of academic excellence and exciting growth.

Florida International University [FIU] has distinguished itself by becoming a center for intellectual inquiry and research that emphasizes the link between basic and applied scholarship. The university's interdisciplinary centers have acted as a catalyst for creativity in the arts, the sciences, and the professions by encouraging interaction among its students, faculty, staff, and the communities it serves.

Florida International University is ranked among the top 10 public commuter colleges in the United States by Money Magazine and is also cited in several leading college guides, including Barron's Guide to the Most Prestigious Colleges; and U.S. News & World Report's annual survey of America's Best Colleges.

Under the tenure of Dr. Modesto Mitch Madique, the university has made tremendous inroads. Dr. Madique, the first Cuban-American to be president of a 4-year college, became president in 1986. He has had the vision and the initiative to push the institution toward the 21st century.

When it opened its doors in 1972, FIU had an enrollment of 6,000 students. Today, with 13 schools and colleges, FIU has grown to over 28,000 students from all 50 States and 120 countries. As a major center of international education, FIU prides itself on the cultural and ethnic diversity of its students and faculty. It is, indeed, as many of its faculty and students like to say, ''a gateway of the Americas.''

FIU's College of Engineering and Design bears witness to the university's overall success. Under Dean Gordon R. Hopkins, the college of engineering has earned international recognition for its research programs, drawing scholars from all over the world. Similarly, in the College of Arts and Sciences, Dr. Dario Moreno, associate professor of political science, helped create a Ph.D. program in this discipline which works in conjunction with the university's renowned Latin American and Caribbean Center [LACC] and the Cuban Research Institute [CRI] to produce first-rate research in these areas of such great interest to our region.

The people of the 21st Congressional District are proud to claim Florida International University as our own. We look forward to the university's bright future of intellectual achievement built upon a foundation of integrity, creativity, and openness to the exploration of new ideas.

THERE'S TOO MUCH TO LOSE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, a few days ago this House passed a good foreign operations bill, a bill which was structured to help ensure stability, prosperity, equality, and peace to our neighbors and allies around the world. But on that very same day, we witnessed an outrageous and cowardly act of terrorism, a triple bombing that shook the city of Jerusalem. And we were reminded that there are those who do not want peace, people who would destroy and tear down rather than resolving differences through negotiation and compromise.

Such actions are completely intolerable, and so I stand here today to reiterate what Secretary of State Madeleine Albright has already stated, that the United States expects a ''100 percent effort'' by the Palestinian Authority to stop militants from using areas under Palestinian self-rule as a springboard for attacks on Israel. On this issue there can be no compromise. A serious discussion of peace can not take place while terrorists are receiving nods and winks by the negotiators who are sitting at the bargaining tables.

And let us not confuse the issue, bombs are not the same as bulldozers. Recently, many papers have printed that this new wave of bombings is the result of controversial housing policies. While the Middle East peace process has had to overcome many obstacles, and will certainly have to continue to overcome many more, we can not begin to compare the actions of terrorists to the building policies of a government. There is no moral equivalency.

So as Secretary of State Madeleine Albright begins her visit to the Middle East today, I call upon all the parties involved to bring their issues to the bargaining table. The terrorists are waging war, and it is a war on peace. As difficult as it may be, we must find a compromise because we cannot let the terrorists win. There is much too much to lose.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 10, 1997 into the CONGRESSIONAL RECORD:

REFORMING THE CAMPAIGN FINANCE SYSTEM

The hearings in Congress have now built a powerful case for fundamental changes in the way we finance our political campaigns in America. They have uncovered negligence by both political parties, with the abuses unearthed going back several elections. These parties were desperate for campaign dollars. They did not take care to look at the origin of the dollars, but simply encouraged their flow to the party coffers. There has been a lot of partisan jockeying in Washington, each party trying to blame the other, and the result, at least so far, has been that Congress has done nothing. If that pattern continues, it would be a tragedy for the American political system.

PUBLIC PERCEPTIONS

Americans may not understand the details or even the basics of the campaign finance system. But they are clearly troubled by the role that money plays in the American political system. They believe that money has an excessive influence on government policy and that elected officials who solicit and accept political contributions while making policy decisions are under a conflict of interest.

They understand that the search for money distracts elected officials from the jobs they are elected to do, and that money often buys access for one group while denying another group a fair opportunity to influence the process. They appreciate that the well-to-do and powerful special interest groups have access to Members of Congress that they do not have.

They understand that the problem is systemic and that it is not associated with a single party or a single elected official. It affects all of them. The public clearly understands that the present system of campaign finance does not serve them well. They overwhelmingly want reform, and they want it now.

''SOFT'' MONEY

The campaign finance hearings have raised serious concerns about foreign fundraising, but I do not think the problems are limited to that. A large number of people and groups were able to abuse the current laws, simply because those laws invite abuse. The biggest abuse is the so-called ''soft money'' that flowed in huge amounts to both political parties during 1996 from American donors. Under current law, both foreign and American money from wealthy individuals and corporations can be given in unlimited amounts to the parties as opposed to individual candidates. Although these funds are supposed to be for party-building purposes, they are easily diverted to individual campaigns. What happened in 1996 was that the whole system simply spun out of control as both parties aggressively sought soft money.

Soft money has become the key source of funding for political campaigns. It amounts to large-scale, unregulated donations. I do not think prohibiting soft money will solve all the problems of campaign finance, but it is certainly an essential part of a meaningful reform package.

IMPORTANCE OF LEGISLATION

I believe it is simply time for Congress to legislate. We do not need a lot of additional information or documentation about the ease with which money has flowed into campaigns or the vigor and ingenuity with which candidates have sought the money from whatever source. The investigating committees are correct in trying to get to the bottom of the many questions that have been raised by the investigations, and the possibility of bringing some criminal charges should be pursued by the Justice Department. The country deserves a full accounting of how the political system got corrupted in 1996, and those investigations should be done in as bipartisan a way as possible. But before Congress goes home in 1997, we should enact a tough campaign finance reform law curbing the role of money in campaigns. What is needed now is legislation, not more data, not more information.

At this point, I think Congress should promptly ban soft money. That would do much to slow the flood of campaign money and alleviate the worst problems in campaign finance. Disclosure rules should be broadened to ensure that voters know who is responsible for the accuracy and fairness of campaign advertising and also know who makes all the contributions and how much they are. Even the most minute contributions and expenditures should be revealed before election day.

And no reform is worth anything unless it has effective enforcement. The Federal Election Commission has to be strengthened with strong, independent-minded commissioners, and with a more adequate budget. Penalties should be strengthened for violators. Further reforms will undoubtedly be necessary. But these should not delay action on those measures that can pass now.

It is important to note that the money-raising process goes on even as politicians talk about campaign finance reform. They are vigorously raising money under the old system, including soft money. Already in 1997 about 2½ times as much has been raised as at the same point in the election cycle four years ago.

Time is of the essence with the congressional year concluding and congressional elections coming up next year. Each day that the elections come closer, the passage of campaign finance reform becomes more difficult.

CONCLUSION

Almost every week now we learn more about the selling of government. Political offices from the White House down are being demeaned, if not corrupted. There seems to be a ''For Sale'' sign on government, and that includes Congress and the Executive Branch. We simply must have reform, and that especially means imposing limits on the giving and receiving of soft money. I see the potential for the current system, if it continues its present pattern, to do serious harm to our system of government.

Now is the time for Congress to act. The campaign finance issues are very well known to every Member. We deal with them every day. I believe we simply have to set aside the efforts to gain or maintain a partisan advantage. We have to focus now on the integrity of our national government. That integrity demands that we have honest, bipartisan campaign finance reform.

A TRIBUTE TO THE LATE JOHN M. TAXIN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the late John M. Taxin, an outstanding Pennsylvanian and contributor to the unique character of the city of Philadelphia. On August 10, 1997, Mr. Taxin passed on at the age of 90 in his beloved city of Philadelphia. Born in 1906 as Morris Martin Taxin, he took the name John after the workers whom he sold produce to began calling him ''St. John'' for the kindness and charity he showed them when they were down on their luck. The name John has stuck with him ever since. Selling fruit from the back of a horse-drawn cart, Mr. Taxin became an entrepreneur at an early age. He soon had a booming wholesale business as one of the city's most successful purveyors of produce. During this time, he occasionally ate at Old Original Bookbinder's and thought that it could really be something special—if only it were run properly.

In 1940, with two partners, John Taxin bought Old Original Bookbinder's and within 5 years he owned the restaurant outright. During John Taxin's first year as the sole proprietor, it has been reported that Bookbinder's served 650,000 individual meals and generated close to $10 million in revenue. John Taxin's hard work, shrewd business sense, and genius for public relations made Old Original Bookbinder's by the Delaware River, a favorite destination for visitors to Philadelphia and it continues to attract a who's who of the rich and famous. On any given day in the early years of John Taxin's ownership, diners at Bookbinder's might bump into Joe DiMaggio, Frank Sinatra or Danny Kaye.

In addition to his business success, John Taxin was famous for his philanthropy, his civic-mindedness, and his kind demeanor. Mr. Taxin was a major supporter of numerous charities including: the Juvenile Diabetes Foundation, Willow Crest-Bamberger Home for Convalescents, Israel Bonds, and St. Joseph's Hospital, where he purchased television sets for patient rooms, underwrote development of several wings and annually provided Christmas decorations. Quietly, John Taxin offered some Philadelphians a second change by providing them with employment after a period of incarceration. Of these employees he often told friends, ''None of my guys ever let me down.''

Mr. Speaker, in light of his kind and generous spirit, his many successful business ventures and his contributions to the city of Philadelphia, I ask that my colleagues join me today in paying tribute to the late John M. Taxin.

TRIBUTE TO MICHAEL CHACEY

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. TIAHRT. Mr. Speaker, I would like to take this opportunity to recognize Michael Chacey, an outstanding student from my district in Kansas. Recently, Michael won the Veterans of Foreign Wars 1997 Voice of Democracy broadcast scriptwriting contest for the State of Kansas. The program is now in its 50th year and requires high school student entrants to write and record a 3 to 5 minute essay on an announced patriotic theme. ''Democracy—Above and Beyond'' is this year's theme and over 109,000 students participated in the competition nationwide.

Michael is a recent graduate of Derby High School in Derby, KS. For his participation in the 1997 Voice of Democracy Program, Michael won the $1,500 Silver Spring Memorial Post 2562 Scholarship Award. Michael is the son of Mr. and Mrs. David Chacey and he plans a career in biology or law. He was sponsored by VFW Post 7253 and its ladies auxiliary in Derby, KS.

Following is Michael's award winning contest entry.

DEMOCRACY—ABOVE AND BEYOND

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM: KANSAS WINNER MICHAEL CHACEY

''When people speak of government forms, they tend to speak of them in a hypothetical manner.'' ''In a Perfect World, Anarchy would be the ideal form of government'' or ''On paper communism looks very good, it just isn't established correctly.'' Unfortunately these people leave democracy out of their hypothetical discussions. This is terribly disheartening, because whether in the real world, or in some imaginary, perfect one, the freedom, the liberty, and the decision making principles entrenched in a democratic society make democracy a form of government above and beyond all others. The best way to prove this is to compare democracy to other forms of government in both hypothetical and real situations.

For instance, in my English class the other day, we were talking about communism. My teacher said ''Communism is probably the most ideal form of government, because it is the most universally fair for the people involved. The only reason it hasn't worked well is that no one has been able to set it up properly.'' Well, that in itself should show that maybe it's not such a good idea, but say, for the purpose of argument that it could be set up properly. Would it be so great? Decisions would still have to be made. How should we distribute our wealth? What taxes should be paid? Should we go to war with an aggressive nation? These are all questions that have to be answered by a government, and only one equitable way to do it comes to mind. Let the people affected by the decisions make the decisions, either directly, or through representation. Do you believe that the self appointed or military government form of communism or totalitarianism should make these decisions with little or no input from the citizens. Or, should a government, of the people, by the people, and representing the people's wishes make the choice that the majority of the people want? I personally believe the latter is the best. The only way to make sure that the people's wishes are carried out is to allow the people to choose the government. Moreover, they can replace any representative who fails to serve the people. Anarchy could not meet the citizens' needs due to lack of order, and due to lack of representation, no authoritarian government would be able to meet the people's wishes either, as time has proven. Only allowing the citizens to choose preserves their liberty.

Hypothetical situations aside, it is important to realize that it is not a perfect world, and these governments would not be set up ideally. Winston Churchill once said that democracy is the worst form of government, except for all the others. This is true because nothing is perfect. Unworthy men could always come to power. The government could always make poor decisions. But in a democracy, these problems can be solved. It is a self correcting government, which is the true power of democracy. The people have the power in democracy to replace the government officials. If representatives make poor choices, then the citizens in a democracy have the unique privilege to select new officials. Now, there is no guarantee that the people will make the correct decisions, but at least the government consists of individuals who at least the majority of the voters want, making it not only superior to other forms, but more fair.

I am proud to have a young man like Michael Chacey from my district. His remarks on democracy should be a reminder to us all that we are privileged servants in the best system of government in the world.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Istook amendment.

What we have is another attempt to do away with the title X program, which provides funding for family planning services. Services provided under title X reach out to many of America's teenagers who are already at risk in their everyday lives.

Family planning services are one way that these teenagers can receive guidance and education about issues confronting them about sex, reproductive health, contraception, and prevention of disease. By requiring teens to obtain parental consent in order to receive family planning services, and by mandating clinics to notify parents that their children are seeking such services, the Istook amendment will have the effect of decimating the entire family planning system in our country.

The teens we need to be most concerned about—the teens we are trying to prevent from having unwanted pregnancies or contracting a sexually transmitted disease—would become even more endangered if this parental mandate were to take effect.

Perhaps many people are forgetting what it means to be an at risk teen. At risk teens are not the children of many of us in this room today. At risk teens are not the children of parents they can talk to freely about many important issues and values that are affecting their everyday lives. At risk teens are more often trying to escape sexual or physical abuse within their own homes—even from their own parents.

I encourage every teenager to talk with their parents about these very important issues and parents to talk responsibly with their children. That is why I am in support of a substitute amendment offered by my colleagues, Mr. CASTLE and Mr. PORTER. The Porter substitute will require that title X programs encourage the involvement of parents when teens seek family planning services.

Encouraging parental involvement is important, and in and ideal world, all teens would have parents they could feel comfortable talking to and be able to sort out what kind of activity is appropriate. But in the real world, we cannot take away an opportunity for at risk teens to receive essential services, by forcing a mandate upon them that will not work in the real world.

I urge my colleagues to vote against the Istook amendment and support the Porter amendment.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. CARSON. Mr. Speaker, on Tuesday, September 9, I was necessarily absent from the House and unable to cast the following rollcall votes. I ask permission that the following explanation for each vote be placed in the appropriate place in the official RECORD.

Mr. Speaker, I was unavoidably absent and unable to cast the following rollcall votes. Had I been present, I would have voted as follows: ''Nay'' on rollcall votes Nos. 371, 372, 373, 374, and 377; and ''yea'' on rollcall votes Nos. 376, 378, and 379.

TRIBUTE TO THOMAS E. WALDROP

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. MORAN of Virginia. Mr. Speaker, it gives my colleagues, Mr. DAVIS of Virginia and Mr. WOLF, and me great pleasure to rise today and pay tribute to Mr. Thomas E. Waldrop, an outstanding member of the northern Virginia community. Tom is this year's Founder's Award winner from the Northern Virginia Community Foundation. The Founder's Award is given annually to an individual who has demonstrated civic and humanitarian responsibility, and personal participation and leadership in northern Virginia community civic bodies. In addition, the award is presented to an individual who is contributing to improve the quality of life in northern Virginia through leadership in one or more of the following five areas: The arts, education, health, youth, and civic improvement.

Tom is an individual who has made a very strong positive impact on northern Virginia as well as the entire State of Virginia. He is a Virginia native who was born in Montpelier, VA on April 8, 1937. He received his higher education from Virginia schools. Tom received a bachelor's degree in economics from Randolph-Macon College and a master's degree in business from Virginia Commonwealth University. Tom also served his country, and he served in the U.S. Marine Corps from 1958 to 1960.

Tom is currently the president and chief executive officer for Media General Cable which is headquartered in northern Virginia. He has served in that position since 1984. Since that time, Tom has directed the development of one of the Nation's largest and most sophisticated cable television systems. Tom's career with Media General Corp. began in 1967 when he started with Richmond Newspapers. He was quickly promoted and appointed the operations manager of Media General Financial Services at the beginning of 1968. Tom went on to serve as their vice president and as assistant general manager. After his success with the Financial Services division, Tom moved to Media General's Piedmont Publishing Co. where he worked as their business manager, and eventually became the general manager. He left Piedmont when he moved to Media General Cable in northern Virginia.

Tom has shown boundless energy and has made it a priority to work in his community to improve the quality of life for all of us. He works with a wide range of organizations that have made northern Virginia the dynamic, vibrant area it is. Northern Virginia's diverse community has grown dramatically since the early 1980's. It has been successful in maintaining a community atmosphere with the work of people like Tom.

Tom works closely with both the northern Virginia arts and business communities. He is in his fourth term as chairman of the board of directors of the Arts Council of Fairfax County. He also remains on the board of directors for the Fairfax County Chamber of Commerce, the Fairfax County Public School's Business Advisory, the Fairfax Symphony, the Northern Virginia Community College Education Fund, the Northern Virginia Technology Council, the Tower Club, and the Wolf Trap Foundation. In addition to all of these associations, Tom has previously served as the director of the American Heart Association's Fairfax Board and has chaired the development committee for ''Spotlight on the Arts'' in the city of Fairfax. He continues to demonstrate his willingness to lead the northern Virginia community in a wide range of areas.

Tom is also associated with a number of other activities where he volunteers his time and services to further enhance our community. He continues to work with the Northern Virginia Business Roundtable, the Virginia Opera's Northern Virginia advisory committee, and the corporate advisory committee for the Women's Center of Northern Virginia. Tom also works with national organizations to improve the quality of our cable television nationwide including serving on the board of directors for the National Cable Television Association and C–SPAN, the Cable Satellite Public Affairs Network.

Mr. Speaker, we know our colleagues join us in honoring and thanking Tom Waldrop for his achievements in working to improve northern Virginia for all of its residents. We appreciate all of his work in making northern Virginia one of the finest places to live and work. For those of us that know of Tom's commitment to northern Virginia, it is no surprise that the Northern Virginia Community Foundation has decided to award him their prestigious Founder's Award at a gala on October 24, 1997. It is a well deserved award.

THE 1997 BUDGET AGREEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 6, 1997 into the Congressional Record.

THE 1997 BUDGET AGREEMENT

Congress and the President recently enacted a major budget agreement to reform Medicare, balance the budget, and provide tax relief to many Americans. I supported this agreement.

The budget plan is a major political achievement. For many years, the test of governance has been measured by the ability to cut budget deficits. Both sides gave ground, and both sides won major priorities. Most of the credit, however, should go to the booming economy. Historic growth and low unemployment have boosted revenues and reduced spending. The 1993 budget agreement helped reduce the deficit from almost $300 billion to about $40 billion today. In the final negotiations, new economic estimates gave negotiators just enough money to brush aside the last disagreements.

The tax bill appears to offer something for practically every powerful constituency—the middle class, older persons, parents, farmers, small businesses, college students, and investors. It would not offer much relief to single working adults or persons without children. It also includes about 80 narrowly-focused provisions, that benefit just a few individuals or businesses. These limited tax provisions could be subject to a Presidential line-item veto.

The five-year agreement will have only a modest impact on the economy. The tax cuts amount to less than 2-tenths of one percent (0.2%) of the country's economic output. They were designed to be small enough to have little impact on the economy, and they are affordable because of the economy's current strength. The spending cutbacks are equally modest from an economic perspective. But balancing the budget will show that the federal government can get its fiscal house in order, and it will lower interest rates and boost savings and long-term investment.

EDUCATION

The plan includes approximately $40 billion in education incentives over five years, including the President's $1,500 tax credit for each of the first two years of college, and up to $1,000 for each of the next two years. Education Savings Accounts (ESAs) will allow taxpayers to save $500 per year for a child's education, with tax-fee investment earnings. Finally, up to $2,500 of student loan interest expense will be tax-free. While I am not convinced these changes will dramatically increase the number of children going to college, they will certainly ease the burden on families paying for higher education.

HEALTH CARE

The agreement helps curb rising health costs and the growing number of uninsured Americans. Medicare changes should ensure solvency through 2010, in part through more competition and choice in health care coverage. Provisions in the senate bill to raise the eligibility age to 67, increase co-payments, and means test benefits were not included in the bill. The budget provides health care to about 7 million children who currently have no health insurance. The health insurance deduction for the self-employed will rise to 100%.

TAX CUTS

Income taxes are cut $130 billion over five years in the bill. Parents earning up to $110,000 will receive a $500 per child tax credit. Capital gains taxes are reduced, retroactive to May 7, and long-term investments will receive additional benefits. Homeowners can exclude up to $500,000 in capital gains from the sale of a principal residence. Savings are encouraged by expanding Individual Retirement Accounts (IRAs), and taxpayers will be able to make penalty-free withdrawals for education expenses or first-time home purchases. Estate taxes will be reduced, primarily for family farms and small businesses.

DRAWBACKS

Complicated tax system

One major problem with this budget is that it further complicates the tax code. It creates seven different capital gains rates, four education tax credit formulas, three kinds of tax-preferred savings accounts, and two different child tax deductions. Each provision will require more forms, separate instructions, and new income eligibility requirements. Each deduction has a worthy goal, but the cumulative effect is that tax-filing season next year will be the most complicated in a decade. My preference is to eliminate loopholes and deductions and reduce basic tax rates across-the-board.

Betting on a strong economy

Congress and the President are hoping a strong economy will carry us to balance, perhaps as early as next year. If the economy slows, the budget lacks the tough spending cuts to ensure balance. In fact, new spending and accelerating tax cuts will make it harder to balance the budget. Early figures indicate this bill will boost the deficit by $5.7 billion by October 1. The impact of backloaded tax cuts is less than earlier proposals, but we are still left with a ticking time bomb that can only be defused by a level of fiscal discipline that has not yet been achieved in Congress.

Fairness

One of my concerns about the original House plan is that the tax relief was tilted to better-off Americans. Although the final agreement improved upon the House bill, it still makes the tax code less progressive. All sides agree that, when fully implemented, a far greater share of the tax benefits will go to citizens with high incomes. In effect, proponents of these changes argue that middle-class taxpayers were paying less than their fair share of taxes. I simply disagree.

Entitlements

Perhaps the biggest drawback of the budget agreement is the failure to address long-term entitlements. As baby boomers begin to retire in 2010, spending for federal health and retirement programs will increase dramatically. Congress and the President lost an opportunity to tackle the biggest budget challenge of the next fifty years. The bill does include a commission report on long-term Medicare changes in 1999, but it does not deal with Social Security. History will judge this agreement harshly unless we enact more reforms.

CONCLUSION

On balance, this agreement moves the country forward. It should ensure Medicare's solvency for ten years. It provides tax relief, education, and health care benefits to hard-working families. While it moves backwards on tax reform, and postpones some tough decisions, it is still likely to achieve a balanced budget. My hope is that we can build on this political and economic achievement to address the country's long-term challenges as we move into the next century.

CONGRATULATING MISS AMERICA 1997, TARA HOLLAND

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. GOODLING. Mr. Speaker, I am pleased to congratulate Miss America 1997, Tara Dawn Holland on completing a most successful year of service. It has been a privilege for me to work closely with her during her year of service as she promoted literacy in America.

Breaking the cycle of illiteracy is one of the most critical issues facing our country today. Illiteracy robs individuals of economic advancement by leaving people without the skills they need to participate in the American dream. Illiteracy robs individuals of the opportunity to reach their full potential and all too often has been the legacy parents have left for their children.

During the last year, Tara traveled across the country meeting hundreds of people who have overcome this roadblock. She shared very personal experiences about how this problem touched her life and inspired all of those who heard her speak. However, she was not solely an inspirational speaker. Her knowledge and experience has allowed her to embrace this issue as a professional. She knows illiteracy is a family problem that is perpetuated over generations and in intrinsically linked to many of society's ills such as drop out, drug abuse, and crime. But Tara took her knowledge one step further by promoting ways individuals and communities can reach out to those who are unable to read.

Mr. Speaker, Tara is a dedicated crusader in this most important battle. I can't think of a better representative to lead the campaign against illiteracy. Her vibrant personality and spirit has certainly changed many, many lives.

Tara, as chairman of the House Committee on Education and the Workforce, I thank you for your dedication in bringing this issue to the forefront. My colleages in Congress and I look forward to continuing to work with you for many more years.

TRIBUTE TO DR. PAUL SOIFER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Paul Soifer upon his retirement as president of the board of directors from the West Valley Jewish Community Center and for his steadfast commitment in the Jewish community.

Paul has given selflessly to serve the West Valley Jewish Center. Shortly after Paul accepted his title as president of the board of directors our community was devastated by the Northridge Earthquake. This earthquake forced the center located on the Bernard Milken Jewish Community Campus to close and subsequently relocate to a vacant warehouse. Unfortunately, like any devastating disaster, the earthquake resulted in a huge loss of membership. Paul would have to help rebuild the center on both an emotional and physical level.

Paul rose to this challenge and exceeded all expectations. First and foremost he ensured that each and every program and service continued just as they had before the earthquake. In addition to overseeing the operations of the center, Paul did something special, he brought the Jewish Community Center Regional Maccabi Games to Los Angeles.

As head of the JCC Maccabi Youth Games Committee, Paul was instrumental in organizing more than 1,700 athletes. He secured lodging for all of the athletes and ensured the smooth functioning of the event. The games were a huge success and Paul now heads the 1997 Los Angeles Delegation of the JCC Maccabi Youth Games.

When asked to describe Paul the first thing that comes to his friends' minds is his ability to make a dream a reality. Paul has done this in more ways than one. He succeeded in rebuilding the West Valley Community Center. The center has returned to its original location on the Bernard Milken Jewish Community Campus and more than 1,200 members have returned to the spiritual warmth provided by the center. Today, the dream of a new state-of-the-art fitness center is reality in the making.

Mr. Speaker, I ask you and my distinguished colleagues to join me in honoring Dr. Paul Soifer. The Talmud says ''Great is charity. It uplfits the soul.'' Paul is indeed charitable and has uplifted the souls of countless members in our community.

TRIBUTE TO DR. GENNARO DIMASO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor a man who has spent over 45 years of his life compassionately caring for children. On the evening of September 23, 1997, Dr. Gennaro DiMaso will celebrate his retirement from the medical profession with friends and colleagues at the Barrister Gardens in St. Clair Shores.

While selling vegetables with his father and brother, Gennaro DiMaso dreamed of becoming a doctor. This was a dream he pursued with great determination. At age 13, young Gennaro made a deal with his father that if he did not excel in school, he would return to selling vegetables. In the St. Francis Preparatory High School annual, it was remarked that ''Gennaro's great ambition is to become a doctor, and it is our guess that he will make an excellent one.'' After completing his undergraduate work at Columbia University, Dr. DiMaso realized his dream by earning his medical degree in pediatrics from Boston University.

After graduation from medical school, Dr. DiMaso was drafted into the U.S. Army and practiced pediatrics for 2 years in Heidelberg, Germany at the American Army Occupation Center. After returning to the United States, Dr DiMaso joined the staff of St. John's Hospital in 1954.

Dr. DiMaso knows that trust, hope, assurance, compassion, and hugs will create a comfortable feeling in an otherwise scary situation. His humane nature never allowed him to

turn away a child who needed his healing touch. Dr. DiMaso once said, ''Babies and children are the elixir, the last pure thing on earth. Hug them, don't stop hugging them.'' For these reasons, when his patients grow up, they bring their own children to Dr. DiMaso. I would like to thank and congratulate Dr. DiMaso for his kind work. I am sure many mothers, fathers, and children will miss his kind contributions.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. CARSON. Mr. Speaker, on Monday, September 8, I was necessarily absent from the House and unable to cast the following rollcall votes. I ask permission that the following explanation for each vote be placed in the appropriate place in the official RECORD.

Mr. Speaker, I was unavoidably absent and unable to cast the following rollcall votes. Had I been present, I would have voted as follows: ''Nay'' on rollcall votes Nos. 369 and 370.

TRIBUTE TO RETIRING MISSOURI HOSPITAL ASSOCIATION PRESIDENT CHARLES L. BOWMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career in the health care industry is coming to an end in Missouri.

Charles L. ''Charlie'' Bowman, president of the Missouri Hospital Association, Hospital Industry Data Institute, and MHA Management Services Corp., is retiring after having served Missouri's health care community for 22 years.

Bowman's distinguished career in health care began in October 1975 when he was named senior vice president of the Missouri Hospital Association. He was selected president of that organization in 1986. Mr. Bowman also proudly served his country in the U.S. Army National Guard from 1962–1990, retiring as a Colonel.

During his decades of service to Missouri's hospitals, Bowman has witnessed encouraging changes in the State's health care system. Recent challenges include the emergence of managed care, increasing competition among health care providers, rapid advances in technology, and increasing oversight by government agencies. Throughout the new challenges of today's health care environment, Bowman has led the association to promote the health and welfare of the citizens of Missouri through education and legislative advocacy.

Additionally, Charlie Bowman is active in service and professional organizations, including Rotary International, the American Hospital Association, the American Society of Association Executives, the Missouri Society of Association Executives, the Missouri Association of Army Officers, and the Boy Scouts of America.

As he prepares for quieter times with his wife, Sue, and his four children, I know the Members of the House will join me in paying tribute to Charlie Bowman and in wishing him the best in the days ahead.

INTRODUCTION BY REQUEST OF THE DISASTER STREAMLINING AND COSTS REDUCTION ACT OF 1997

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. SHUSTER. Mr. Speaker, as chairman of the Committee on Transportation and Infrastructure, I am today introducing by request the administration's proposal to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

As my colleagues are well aware, the Stafford Act provides the authority of the Federal Government, primarily the Federal Emergency Management Agency [FEMA], to respond to disasters and emergencies in order to provide assistance to save lives and protect public health, safety, and property.

The administration's bill, the ''Disaster Streamlining and Costs Reduction Act of 1997,'' establishes new hazard mitigation authorities and, among other things, makes various other changes relating to eligibility for disaster assistance and to Federal cost-sharing and administrative costs and policies.

Natural disasters cost the victims and the Nation's taxpayers too much. In the last 10 years alone, the Federal Government has obligated over $50 billion in disaster assistance. Without significant changes in law and policy, the financial exposure of the Federal Government and the risks to families and communities will only increase.

There are also ongoing concerns about the need for more streamlined and responsive disaster programs. While FEMA and others have made administrative improvements over the years, the fact remains that almost an entire decade has passed since Congress last revised and improved the Nation's primary disaster relief and emergency assistance law, the Stafford Act. The need to consider comprehensive legislation and promote improved partnerships between the public and private sectors is clear.

After a preliminary analysis, I believe the administration's bill has several desirable features. It provides a helpful starting point in reining in some of the costs, streamlining and improving various assistance programs, and encouraging hazard prevention and mitigation activities. This bill also has some provisions that are somewhat troubling. I expect the Transportation and Infrastructure Committee and, in particular, its Subcommittee on Water Resources and Environment, chaired by Representative SHERWOOD BOEHLERT, to carefully examine the bill along with other legislative proposals.

I look forward to working with FEMA's Director James Lee Witt and others to improve the Nation's disaster relief program and reduce the costs to disaster victims and the Nation's taxpayers.

PROPOSITION 209

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. PACKARD. Mr. Speaker, the highest court in the land, the Supreme Court, recently refused to block enforcement of California's Proposition 209, the measure that bans race or gender from being a factor in State hiring or school admission. This measure, which was originally agreed to by the people of California nearly 2 years ago, has finally taken effect. I am pleased that the Supreme Court has decided to abide by the will of the people and allow those most qualified and most deserving to obtain State contracts and spots in our competitive universities.

Treating people differently because of their color used to be called discrimination, today it is called affirmative action. I disagree with the President's stance on affirmative action. I believe the popular support of Proposition 209 in California shows our great State's commitment to the historical ideals of liberty and equal justice under the law.

Mr. Speaker, for the last 20 years the Government has been trying to classify all Americans. This is something that I believe is unnecessary and divisive to all of us. I do not believe that race or gender should be used in the consideration of a person's qualifications for a job or the receipt of services.

For America to stand united, we must first stand as individuals who are equal in the eyes of the law. In order for us to solve the problems that stand in our Nation's workplace and our communities, every American needs to be able to stand balanced under blind justice.

Mr. Speaker, as long as affirmative action is a part of our society, the character, the motivations and achievements of some Americans will remain suspect in the eyes of others. This recent Supreme Court decision is a great victory for California. We are leading the charge to end race-based preferences. We have seen the continued failure of affirmative action and we will work to open the doors of fairness and equality.

A TRIBUTE TO KEN WOURMHOUDT FATHER OF THE SKATEBOARD PARK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. FARR of California. Mr. Speaker, I rise today to honor a man devoted to landscape architecture and children. Ken Wourmhoudt was a sport's visionary, creating large outside sculptural forms used as skateboard parks. Ken befriended children and defended skateboarders from detractors, a true friend to his community. It is my privilege to be speaking of this man's accomplishments today.

Ken Wourmhoudt, a licensed architect by trade, worked hard to keep an open dialog between the community and the skateboarders. He appreciated the children's love of the sport and often spoke on their behalf.

His passion for the skateboard parks began in 1978 when he designed Derby Park in

Santa Cruz. He relied on the skateboarders' experience to guide him through the design process, to build the best possible park for them. Derby Park is still enjoyed by many skateboarders throughout Santa Cruz and beyond.

His love for the skateboard parks was only rivaled by his appreciation for the arts. His artistry showed in skate projects in communities such as Napa, Milpitas, and Pleasanton. This devotion went well beyond the skate parks. He served 8 years on the Santa Cruz County Cultural Council and two terms on the Santa Cruz City Arts Commission. He promoted public art on Pacific Avenue and helped with the installations.

Ken traveled the country sharing his expertise and love of the skateboard parks. These visits helped other communities build parks and taught the communities successful new techniques to keep the lines of communication open with the community.

Ken will be missed by all those he encountered and inspired. He is survived by his wife Mardi, a Santa Cruz supervisor, a daughter Lisa, and three sons, Zachary, Jonathan, and Jacob. Zachary is a landscape artist and will continue in his father's footsteps, building skateboard parks for all to enjoy.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained on rollcall votes Nos. 369 and 370 on September 8, 1997; had I been present I would have voted ''no.'' And, on September 9, 1997, for rollcall votes: No. 371, motion to adjourn, ''no''; No. 372, motion to adjourn, ''no''; No. 374, motion to rise, ''yes''; No. 375, quorum call, ''yes''; No. 377, Coburn amendment, ''no''; No. 378, Castle amendment to Istook amendment, ''yes''; and No. 379, Istook amendment as amended by Castle, ''yes''.

TRIBUTE TO KENTUCKY STATE SENATOR JEFF GREEN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 1997

Mr. WHITFIELD. Mr. Speaker, along with the tragic deaths of Mother Teresa and Princess Diana, we in Kentucky have suffered a devastating loss of our own.

State Senator Jeff Green was taken from us at the far too young age of just 41 years old. Jeff Green was a hard-working, caring and devoted public servant, husband and father.

He could have taken the easy path some 2 years ago when doctors told him he had a dangerous heart condition. Jeff had lost his own father at an early age. But taking the easy path was not Jeff Green's way and we have benefited because of it.

He worked long hours in the Kentucky Legislature, but always had the time to be with his wife, Sharon, and their two young sons, Tyler and Alex. Because Jeff Green enjoyed one title more than that of Senator, he was most proud to be called Dad.

Mr. Speaker, all of Kentucky will miss Jeff Green. He was an extraordinary man who served his State extraordinarily well.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. BALLENGER. Mr. Chairman, I want to express my strong support for Representative GOODLING's amendment which prohibits any money under this bill to be used to develop, plan, implement, or administer President Clinton's new national testing program.

In government classes taught all over this country, we learn about the three Federal branches of Government and their functions granted under the U.S. Constitution. I've been out of the classroom for a while now; however, I'm quite sure that article I, section I of the Constitution hasn't changed since I was in school. This section states that ''All legislative powers herein shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' With this in mind, my colleague from Pennsylvania shouldn't even have to offer this amendment because Congress has not authorized these tests.

During the President's 1997 State of the Union Address, he proposed that individualized national tests be given to fourth grade students in reading and math. Instead of seeking congressional approval for this new education policy, the Department of Education has decided to ignore the Congress and move ahead with the development of these tests with the intent of administering the tests beginning in 1999. Even if one supports the President's standardized national testing program, which I don't, shouldn't this be debated and decided in the U.S. Congress and not by Presidential edict? This appropriations bill, if not amended to include Representative GOODLING's language on national testing, leaves the door wide open for the Department of Education to continue work in this area.

In addition to the fact that Congress has been bypassed in this policy decision, we need to look at the overall issue of national testing. In 1997, the Federal Government will spend roughly $540 million to test students. Do we really need another testing program? I think money could be better spent on the learning process and teacher training. National tests aren't going to arm our students with the tools they need to gain a world-class education.

I urge my colleagues to support this amendment. Even if you support the concept of national testing, you should support the Goodling amendment and permit an open debate on the issue in the Congress instead of letting the President and the Department of Education create policy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 11, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 12

9:00 a.m.
Governmental Affairs
To hold hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.
SD–342

10:00 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine proposals to permanently extend the expiring provision of immigration law which allows religious workers to be sponsored by religious organizations in the United States.
SD–226

11:30 a.m.
Foreign Relations
Meeting, to discuss pending committee matters.
S–116, Capitol

SEPTEMBER 15

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud in the micro-cap securities industry.
SD–342

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine proliferation in the information age.
SD–342

SEPTEMBER 16

10:00 a.m.
Armed Services
To hold hearings on the nominations of General Michael E. Ryan, USAF, to be Chief of Staff, United States Air Force, Adm. Harold W. Gehman, Jr., USN, to be Commander-in-Chief, United States Atlantic Command, and Lt. Gen. Charles E. Wilhelm, USMC, to be Commander-in-Chief, United States Southern Command and for appointment to the grade of general.
SR–222

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine antitrust and competition issues in the telecommunications industry.
SD–226

Labor and Human Resources
To resume hearings to examine the implications of the recent Global Tobacco settlement.
SD–430

SEPTEMBER 17

9:00 a.m.
Judiciary
To hold hearings with the Committee on Indian Affairs to examine incidences of criminal gang activity within Indian country.
SD–226

Indian Affairs
To hold hearings with the Committee on the Judiciary to examine incidences of criminal gang activity within Indian country.
SD–226

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1158, to amend the Alaska Native Claims Settlement Act regarding the Huna Totem Corporation public interest land exchange, and S. 1159, to amend the Alaska Native Claims Settlement Act regarding the Kake Tribal Corporation public interest land exchange.
SD–366

Labor and Human Resources
Business meeting, to mark up the proposed Workforce Investment Partnership Act.
SD–430

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

10:30 a.m.
Conferees
On H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998.
S–128, Capitol

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the transition to digital television.
SR–253

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To continue hearings to examine antitrust and competition issues in the telecommunications industry.
SD–226

SEPTEMBER 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings to examine the implications for farmers of the recently proposed tobacco settlement.
SD–106

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Ernest J. Moniz, of Massachusetts, to be Under Secretary, Michael Telson, of the District of Columbia, to be Chief Financial Officer, Mary Anne Sullivan, of the District of Columbia, to be General Counsel, Dan Reicher, of Maryland, to be an Assistant Secretary for Energy, Efficiency, and Renewable Energy, Robert Wayne Gee, of Texas, to be Assistant Secretary for Policy, Planning, and Program Evaluation, and John C. Angell, of Maryland, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, all of the Department of Energy.
SD–366

10:00 a.m.
Foreign Relations
To hold hearings on the nominations of Wyche Fowler Jr., of Georgia, to be Ambassador to the Kingdom of Saudi Arabia, and Martin S. Indyk, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs.
SD–419

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 19

10:00 a.m.
Governmental Affairs
To resume hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies.
SD–342

SEPTEMBER 23

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine Federal antitrust policy in the healthcare marketplace.
SD–226

Special on Aging
To hold hearings to examine screening and treatment options for prostate cancer.
SD–628

SEPTEMBER 24

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 25

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the comittee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

SEPTEMBER 26

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

SEPTEMBER 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation relating to food safety.
SR–332

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 8

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

POSTPONEMENTS

SEPTEMBER 16

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to review Federal outdoor recreation policy.
SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9033–S9096

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1158–1161, and S. Res. 121. **Page S9080**

Measures Reported: Reports were made as follows:

S. 1026, to reauthorize the Export-Import Bank of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 105–76)

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998''. (S. Rept. No. 105–77) **Page S9080**

Measures Passed:

National Historically Black Colleges and Universities Week: Committee on the Judiciary was discharged from further consideration of S. Res. 111, designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week'', and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S9091**

Gorton (for Thurmond) Amendment No. 1128, designating the week beginning September 21, 1997 as ''National Historically Black Colleges and Universities Week''. **Page S9091**

Refugee Assistance: Senate passed S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999. **Page S9091**

National Wildlife Refuge System Improvement Act: Senate passed H.R. 1420, to amend the National Wildlife Refuge System Administration Act of 1996 to improve the management of the National Wildlife Refuge System, after agreeing to the following amendment proposed thereto: **Pages S9092–96**

Gorton (for Chafee) Amendment No. 1129, to clarify that uses can be both wildlife-dependent and other uses, to require that the Secretary provide for monitoring of the status and trends of fish, wildlife and plants on refuges, and to clarify the intent regarding the periodic reevaluation of longterm secondary uses, such as electric utility rights-of-way. **Pages S9092–96**

Labor/HHS Appropriations, 1998: Senate resumed consideration of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows: **Pages S9033–59, S9062–78**

Adopted:

By 95 yeas to 3 nays (Vote No. 227), Durbin/Collins Amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997. **Pages S9033, S9049–51, S9053**

Sessions Modified Amendment No. 1125 (to Amendment No. 1078), to provide for certain limitations on attorneys' fees under any global tobacco settlement and for increased funding for children's health research. (By 48 yeas to 49 nays (Vote No. 224), Senate earlier failed to table the amendment.) **Pages S9034–43**

Wellstone Amendment No. 1126 (to Amendment No. 1078), to establish that nothing in this Act may be construed to interfere with any agreement previously entered into between any State and any private attorney with respect to litigation involving tobacco. (By 48 yeas to 50 nays (Vote No. 225), Senate earlier failed to table the amendment.) **Pages S9044–48**

By 97 yeas to 1 nay (Vote No. 226), Durbin Amendment No. 1127 (to Amendment No. 1078), to express the sense of the Senate that attorneys' fees paid in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by federal tobacco settlement legislation should be publicly disclosed and should not displace spending in the settlement legislation intended for public health. **Pages S9047–49**

By 98 yeas to 1 nay (Vote No. 228), Murray/Wellstone Amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program. **Pages S9034, S9051–53, S9062–63**

Coverdell Amendment No. 1097, to enhance food safety for children through preventative research and medical treatment. **Pages S9034, S9064**

By 91 yeas to 8 nays (Vote No. 230), Coverdell Amendment No. 1098 (to Amendment No. 1097), in the nature of a substitute.

Pages S9034, S9058–59, S9063–74

By 96 yeas to 3 nays (Vote No. 231), Harkin (for Daschle) Modified Amendment No. 1116, to express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative.

Pages S9034, S9058, S9064–66

Specter Modified Amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative. **Pages S9034, S9078**

Withdrawn:

Mack/Graham Amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center. **Pages S9033, S9078**

Pending:

Gregg Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions. **Page S9033**

Coats/Gregg Amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute. **Page S9033**

Nickles/Jeffords Amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Page S9033

Craig/Jeffords Amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Page S9033

Harkin/Bingaman/Kennedy Amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics. **Page S9034**

Domenici (for Gorton) Modified Amendment No. 1122, to provide certain education funding directly to local educational agencies. **Pages S9034, S9066–78**

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 54 nays (Vote No. 223), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 904 of the Congressional Budget Act with respect to consideration of McCain/Gramm Amendment No. 1091, to eliminate Medicare incentive payments under plans for voluntary reduction in the number of residents. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell.

See Congressional Record of September 9, 1997

By 27 yeas to 72 nays (Vote No. 229), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act with respect to consideration of Harkin (for Wellstone) Modified Amendment No. 1087, to increase funding for the Head Start Act. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S9034, S9053–58, S9063**

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto on Thursday, September 11, 1997.

FDA Administration Modernization and Accountability Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, on Thursday, September 11, 1997. **Page S9072**

Appointments:

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997: Senators Murray (Vice Chair), Sarbanes, and Akaka. **Page S9078**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report relative to telecommunications services; referred to the Committee on Foreign Relations. (PM–64). **Page S9079**

Nominations Received: Senate received the following nominations:

Robert M. Walker, of Tennessee, to be Under Secretary of the Army. **Page S9096**

Messages From the President: **Page S9079**

Measures Referred: **Page S9079**

Communications: **Pages S9079–80**

Petitions: **Page S9080**

Executive Reports of Committees: **Page S9080**

Statements on Introduced Bills: **Pages S9080–85**

Additional Cosponsors: **Pages S9085–87**

Amendments Submitted: Page S9088

Notices of Hearings: Page S9088

Authority for Committees: Page S9088

Additional Statements: Pages S9088–91

Record Votes: Eight record votes were taken today. (Total—231) Pages S9043, S9048–50, S9062–64, S9066

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:31 p.m., until 9 a.m., Thursday, September 11, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9096.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Armed Services: Committee ordered favorably reported the nomination of Gen. Henry H. Shelton, USA, to be Chairman of the Joint Chiefs of Staff.

NOMINATIONS

*Committee on Commerce, Science, and Transportation:*Committee ordered favorably reported the nominations of Heidi H. Schulman, of California, and Katherine Milner Anderson, of Virginia, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, and Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner.

Prior to this action, committee concluded hearings on the aforementioned nominations, after the nominees testified and answered questions in their own behalf. Ms. Anderson was introduced by Senator Lott, and Ms. Anthony was introduced by Senators Bumpers and Hutchinson.

FOREST SERVICE ALASKA REGION

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine the organizational structure, staffing, and budget for implementation of the Tongass Land Management Plan and the management of programs under the jurisdiction of the Alaska region of the Forest Service, after receiving testimony from Ronald E. Stewart, Deputy Chief, and Phil Janik, Regional Forester (Juneau, Alaska), both of the Forest Service, Department of Agriculture; and Mayor Dennis Egan, Juneau, Alaska.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Rita D. Hayes, of South Carolina, to be Deputy United States Trade Representative, with the rank of Ambassador, Kenneth S. Apfel, of Maryland, to be Commissioner of Social Security, Social Security Administration, Nancy-Ann Minn Deparle, of Tennessee, to be Administrator of the Health Care Financing Administration, and Olivia A. Golden, of the District of Columbia, to be Assistant Secretary for Family Support, both of the Department of Health and Human Services, and David A. Lipton, of Massachusetts, to be Under Secretary for International Affairs, Timothy F. Geithner, of New York, to be Deputy Under Secretary, Gary Gensler, of Maryland, to be Assistant Secretary for Financial Markets, and Nancy Killefer, of Florida, to be Assistant Secretary and Chief Financial Officer, all of the Department of the Treasury, after the nominees testified and answered questions in their own behalf. Ms. Hayes was introduced by Senators Thurmond and Hollings, Ms. Deparle was introduced by Senator Frist, and Ms. Golden was introduced by Senator Moynihan.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Republic of Costa Rica, Donna Jean Hrinak, of Virginia, to be Ambassador to the Republic of Bolivia, Edward E. Shumaker III, of New Hampshire, to be Ambassador to the Republic of Trinidad and Tobago, and Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Colombia, after the nominees testified and answered questions in their own behalf. Mr. Shumaker was introduced by Senators Smith and Gregg.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Joseph E. Sandler, General Counsel, Democratic National Committee.

Hearings continue tomorrow.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on intelligence matters from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 2446–2452; and 4 resolutions, H. Con. Res. 149–151, and H. Res. 226, were introduced. Page H7199

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Collins to act as Speaker pro tempore for today. Page H7121

Guest Chaplain: The prayer was offered by the guest Chaplain the Rev. George Dillard of Peachtree City, Georgia. Page H7121

Journal: By a recorded vote of 352 ayes to 58 noes, Roll No. 381, the House agreed to the Speaker's approval of the Journal of Tuesday, September 9. Pages H7127–28

Motion to Adjourn: Rejected the Miller of California motion to adjourn by a yea-and-nay vote of 37 yeas to 370 nays, Roll No. 380. Pages H7126–27

Motion to Adjourn: Rejected the McDermott motion to adjourn by a yea-and-nay vote of 36 yeas to 368 nays, Roll No. 382. Page H7128

Labor, HHS, and Education Appropriations Act: The House continued consideration of amendments to H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. The House completed general debate and considered amendments to the bill on September 4, 5, 8, and 9. Pages H7129–82

Agreed to:

The Peterson amendment that increases funding for vocational and adult education by $20 million and decreases Goals 2000 funding accordingly; Pages H7129–30

The Roemer amendment that increases funding for charter schools by $25 million and reduces the technology literacy challenge grant program accordingly; Pages H7134–41

The Graham amendment that increases funding for the Individuals with Disabilities Act by $55 million and decreases Goal 2000 funding accordingly; Pages H7143–45

The Riggs en bloc amendment that strikes ''whole school reform'' and inserts in lieu thereof ''comprehensive school reform'' and further defines comprehensive reform to include challenging content standards, student performance standards, and an emphasis on basic academics and parental involvement; Pages H7146–68

The Rodriguez amendment that increases funding for comprehensive regional assistance services by $1.5 million and reduces research, statistics, and improvement accordingly; and Pages H7178–79

The Engel amendment that increases funding for the Department of Education web-site by $100,000. Pages H7179–80

Rejected:

The Hayworth amendment that sought to increase impact aid funding by $18 million and reduce National Labor Relations Board salaries and expenses funding accordingly (rejected by a recorded vote of 170 ayes to 253 noes, Roll No. 385); and Pages H7168–77

The Bob Schaffer of Colorado amendment that sought to increase funding for education programs for high-risk youth by $40 million and reduce Goals 2000 funding accordingly (rejected by a recorded vote of 185 ayes to 238 noes, Roll No. 386). Pages H7130–34, H7177–78

Rejected the Miller of California motion to rise by a recorded vote of 40 ayes to 369 noes, Roll No. 384. Pages H7141–43

The bill is being considered pursuant to the order of the House of Thursday, July 31. Pages H6667–69

Presidential Message—Payments to Cuba: Read a message from the President wherein he transmitted his semiannual report concerning payments made to Cuba for telecommunications services—referred to the Committee on International Relations and ordered printed (H. Doc. 105–127). Page H7182

Senate Messages: Messages received from the Senate today appear on page H7121.

Amendments: Amendments ordered printed pursuant to the rule appear on page H7200.

Quorum Calls—Votes: One quorum call (Roll No. 383), two yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H7127, H7127–28, H7128, H7141–42, H7142–43, H7176–77, and H7177–78.

Adjournment: Met at 10:00 a.m. and adjourned at 8:35 p.m.

Committee Meetings

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy approved for full Committee action amended

H.R. 2414, 50 States Commemorative Coin Program Act.

FEDERAL WORKPLACE—EMPLOYMENT DISCRIMINATION

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on Employment Discrimination in the Federal Workplace, Part I. Testimony was heard from Representatives Wynn, Martinez and Hoyer; and public witnesses.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

Committee on International Relations: Concluded hearings on the Freedom from Religious Persecution Act of 1997. Testimony was heard from public witnesses.

TRANSATLANTIC INITIATIVE: OPPORTUNITIES AND PROSPECTS

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on the Transatlantic Initiative: Opportunities and Prospects. Testimony was heard from Franklin J. Vargo, Acting Assistant Secretary, Market Access and Compliance, Department of Commerce; and public witnesses.

TUCKER ACT SHUFFLE RELIEF ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims held a hearing on H.R. 992, Tucker Act Shuffle Relief Act of 1997. Testimony was heard from Loren A. Smith, Chief Judge, U.S. Court of Federal Claims; Eleanor D. Acheson, Assistant Attorney General, Office of Policy Development, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES; KING COVE HEALTH AND SAFETY ACT

Committee on Resources: Ordered reported amended the following bills: H.R. 136, to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center; H.R. 708, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; H.R. 1787, Asian Elephant Conservation Act of 1997; and H.R. 1948, Hood Bay Land Exchange Act of 1997.

The Committee also held a hearing on H.R. 2259, King Cove Health and Safety Act of 1997. Testimony was heard from John Rogers, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

NEXT GENERATION INTERNET INITIATIVE

Committee on Science: Held a hearing on the Next Generation Internet Initiative. Testimony was heard from John H. Gibbons, Assistant to the President for Science and Technology and Director, Office of Science and Technology Policy; David J. Farber, member, Presidential Advisory Committee for High Performance Computing, Communications, Information Technology and Next Generation Internet; and public witnesses.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation approved for full Committee action amended H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1997.

CHILD SUPPORT SYSTEM IMPROVEMENTS

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Child Support System Improvements. Testimony was heard from David Gray Ross, Deputy Director, Office of Child Support Enforcement, Department of Health and Human Services; Joel C. Willemssen, Director, Information Resources Management, GAO; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 11, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine the implications for farmers of the recently proposed Global Tobacco settlement, 9 a.m., SD–106.

Committee on Energy and Natural Resources, to hold hearings on S. 660, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and S. 1092, to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings to review the implementation of the Commemorative Works Act (P.L. 99–652, as amended) and the administrative and public process involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial, 2 p.m., SD–366.

Committee on Finance, business meeting, to mark up implementing legislation for the OECD Shipbuilding

Agreement, S. 343, to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia, S. 1093, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and S. 747, to amend trade laws and related provisions to clarify the designation of normal trade relations, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Susan E. Rice, of the District of Columbia, to be Assistant Secretary of State for African Affairs, Brian Dean Curran, of Florida, to be Ambassador to the Republic of Mozambique, Timberlake Foster, of California, to be Ambassador to the Islamic Republic of Mauritania, Amelia Ellen Shippy, of Washington, to be Ambassador to the Republic of Malawi, Nancy Jo Powell, of Iowa, to be Ambassador to the Republic of Uganda, and Tom McDonald, of Ohio, to be Ambassador to the Republic of Zimbabwe, 10 a.m., SD–419.

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on Labor and Human Resources, to hold hearings to examine the confidentiality of medical information, 10 a.m., SD–430.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1728–29 in today's Record.

House

Committee on Agriculture, Subcommittee on Department Operations, Nutrition, and Foreign Agriculture, hearing to review food banks and the participation of the private sector in the delivery of food assistance, 8:30 a.m., 1300 Longworth.

Committee on Commerce, to mark up H.R. 695, Security and Freedom Through Encryption (SAFE) Act, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing to examine OSHA's Reinvention Project, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources, to continue oversight hearings on the Need for Better Focus in the Rural Health Clinic Program (RHC) Part II, 10 a.m., 2247 Rayburn.

Committee on International Relations, to mark up the following measures: H. Res. 217, recognizing the important contributions made by Americans of Austrian heritage; H. Con. Res. 139, expressing the sense of the Congress that the United States Government should fully participate in EXPO 2000 in the year 2000, in Hanover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking; and H. Con. Res. 137, expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity, 2 p.m., H–139 Capitol.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up the following: H.R. 872, Biomaterials Access Assurance Act of 1997; a measure to make technical corrections to Section of title 9, United States Code; and a measure to prohibit state taxation of Internet access, 10 a.m., 2226 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on H.R. 2265, No Electronic Theft (NET) Act, and also on electronic copyright piracy, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing regarding cellular telephone fraud, 9 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H. Con. Res. 131, expressing the sense of Congress regarding the ocean; and to hold an oversight hearing to review the management of our Nation's fisheries by the National Marine Fisheries Service, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on the effect of international forestry agreements on U.S. Forest Service decisionmaking, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing and mark up of the following measures: Bureau of Reclamation Technical Corrections Act of 1997; and Small Reclamation Water Resources Project Act; and to mark up H.R. 1400, Tumalo Irrigation District Water Conservation Project Authorization Act, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy and Environment, hearing on preparing for El Nino, 10 a.m., 2318 Rayburn.

Subcommittee on Technology, to mark up the Small Business Technology Transfer Program Reauthorization Act of 1997, 2 p.m. 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Paperwork Reduction and the Subcommittee on Government Programs and Oversight, joint hearing on H.R. 96, Small Business Regulatory Assistance Act of 1997, 10:30 a.m., 311 Cannon.

Committee on Veterans' Affairs, to mark up pending business, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, hearing on the Administration's comprehensive review of the North American Free Trade Agreement (NAFTA), 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, to mark up the following bills: H.R. 695, Security and Freedom Through Encryption (SAFE) Act; and S. 909, Secure Public Networks Act of 1997, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, September 11

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1061, Labor/HHS Appropriations, 1998, with a vote on final passage to occur thereon, and begin consideration of S. 830, FDA Modernization and Accountability Act.

Senate may also begin consideration of H.R. 2107, Interior Appropriations, 1998.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 11

House Chamber

Program for Thursday: Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (open rule).

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