HOUSE OF REPRESENTATIVES—*Wednesday, July 25, 1984*

The House met at 10 a.m.

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

It is good to give thanks to the Lord, to sing praises to Thy name, O most High.—Psalm 92:1.

We laud Your name, O God, for all the treasures of Your creation that we have been given for our enjoyment. We offer praise for family and friends, for food and sustenance, for labor and leisure, for challenges and opportunities. Above all else, we thank You for the gifts of love and life, for each new day of grace. In all we do help us, O God, to use our time and talents in ways that glorify You and serve those about us. In Your name, we pray. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner.

MIDDLE-INCOME PEOPLE, GRAB YOUR WALLETS

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

Mr. WILLIAMS of Montana. Mr. Speaker and my colleagues, last night in his Presidential press conference, the President was unusually halting and surprisingly difficult to understand. I expect it is because he wanted the real meaning of his words to be hidden behind what he was actually saying.

For example, he quickly noted that there will not be a tax increase next year but then he launched into an almost impossible explanation about gross national product and how that compares to revenue and expenditures, indicated he might raise taxes.

What it really means is there is going to be a tax increase next year. The President is going to call it tax reform. And translated, that means: Middle-income people, grab your wallets.

The President said in a rather halting manner that he thought that the current recovery was because of his tax cut for the rich of 3 years ago. He actually said that last night. Translated, that means that he still believes that trickle-down economics works. Middle-income folks, grab your wallets.

The President went on to say that he was going to try to buy some votes from the Social Security recipients, whom he has scared half to death in the last 3½ years, by changing the law to get them a cost-of-living increase even if inflation does not rise 3 percent. He did not say how he was going to pay for it. I assume he is going to borrow the money, the way he has done with all of the other expenditures.

Somebody has to pay for it. Middle-income people, grab your wallets.

THE FISCAL MESS

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

Mr. ALEXANDER. Mr. Speaker, I congratulate the President for conducting his 26th news conference last evening and encourage him to conduct more news conferences before the November election. The American people need to see our President attempting to explain the fiscal mess in which our Nation is involved because of Reaganomics.

While the President was unable to explain his own budget dilemma, U.S. News & World Report, in its February issue, does a good job. On the front cover it says: "Drowning in debt, the impact of another $180 billion deficit."

The fact remains that Government costs $2 billion a day to operate, while revenues received are $1.5 billion a day. Even the first grade students living near Carson Lake, AR, understand that means a deficit, Mr. President.

PRESIDENT URGED TO WITHDRAW NOMINATION OF ANNE BURFORD AS CHAIRMAN OF NACOA

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

Mr. SCHEUER. Mr. Speaker, today, with Representatives UDALL, FLORIO, WAXMAN, D'AMOURS, WIRTH, and GORE, I have introduced a resolution which urges President Reagan to withdraw the appointment of Anne M. Burford to be the chairperson of the National Advisory Committee on Oceans and Atmosphere [NACOA]. The resolution expresses the strong disapproval of the House of Representatives of this highly inappropriate appointment.

For over a decade, Presidential appointments have respected NACOA's nonpartisan and independent nature. Each of the five prior chairpersons have had distinguished academic careers and doctoral degrees in their fields. Among them, they have belonged to more than 20 professional and scientific associations and served on more than 60 governmental and scientific bodies. NACOA has carried out its duties and provided advice on sensitive environmental issues in a professional and nonpartisan manner.

Unfortunately, the appointment of Mrs. Burford to chair NACOA is not subject to confirmation by the Senate. That fact, however, should not prevent Congress from expressing its sincere opposition to this unfortunate appointment, and to express our deep concern for the President's disregard of the clear congressional intent to keep NACOA an independent and nonpartisan body of expertise on marine and atmospheric issues.

Yesterday, the Senate approved by a lopsided 74-to-19 vote the identical resolution introduced by Senator KENNEDY. I urge my colleagues to join with us and the Senate in disapproving the Burford nomination and requesting that the President withdraw the nomination before Mrs. Burford takes office on August 2, 1984.

EDUCATION: AMERICA'S BEST DEFENSE FOR THE FUTURE

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

Mr. KLECZKA. Mr. Speaker, H.G. Wells observed that human history becomes more and more a race between education and catastrophe. If we are to hold off catastrophe, we must take steps to see that education wins the race.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Today the House can give American education a boost by approving H.R. 11, which would extend 10 important education programs, including bilingual education, women's educational equity, and adult education. Last year, the House passed the emergency math and science bill, and the American Defense Education Act has just been reported out of committee; both of these pieces of legislation will contribute greatly to the education of our young people.

America's best defense for the future is education. It is time that we stop throwing dollars at defense and instead spend wisely on textbooks and teachers. The security and future of the United States lie in well-educated young people, not with MX missiles.

Mr. Speaker, I urge my colleagues to continue to aid education as an essential component of our national defense.

□ 1010

LET US DEFEAT THE RULE ON INTERIOR APPROPRIATIONS

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

Mr. WOLPE. Mr. Speaker, I rise this morning to strongly urge my colleagues to defeat the rule that will be offered later today for the consideration of the Interior appropriations bill. I do not make this recommendation lightly, but unfortunately, this may be the only way that the House will be able to express itself on the most blatant example of nonmilitary waste in the Federal budget. I am speaking of the Synthetic Fuels Corporation.

There is not a Member of this House that is not aware of the enormous mismanagment, the incompetence, the absolute lack of performance that has characterized the operation of the Synthetic Fuels Corporation. We want the opportunity to offer amendments that will provide for substantial reductions in the Corporation's appropriation, so that we might both make a contribution to the reduction of the Federal deficit, and put our energy policy into some kind of rational form.

I urge my colleagues to vote no on the rule on the Interior appropriations bill so that this House can express itself on what has been the most publicized example of nonmilitary waste in the Federal budget. It may be our only opportunity to do so.

INTELLECTUAL DISHONESTY

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

Mr. WRIGHT. Mr. Speaker, it is sad when the President of the United States seeks deliberately to mislead the American people, as he did last night, into the expectation that we can have increases in military spending of the degree that he asks and balance the budget without some additional revenues. Now, everyone familiar with the budget knows that is not possible. The President knows that is not possible.

The President indicates that he has some secret plan that will be divulged in December. It reminds me of the secret plan which Richard Nixon announced while he was running for President in 1968. After the election, he promised, he would announce his secret plan to end the war in Vietnam. That war continued throughout his term of office.

The President knows that it is not possible to spend $1 trillion in the next 3 years on military spending, as he demands, and to achieve any substantial reduction in these enormous budget deficits that are increasing interest rates to an unlivable level, without some additional revenues. He knows that is true.

For a long while, I tried very hard to believe that the President was being honestly unintellectual about this subject. Now, the facts disclose without per adventure that he is being intellectually dishonest.

DECEMBER SURPRISE

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

Mr. MARKEY. Mr. Speaker, for years in politics, people have talked about "October surprises"—last minute tricks to win elections. But now President Reagan is planning a "December surprise"—a postelection surprise in the form of a secret plan to reduce the deficit.

Last night, Ronald Reagan refused to disclose his deficit plan. And he promised to reduce the deficit without a tax increase, unless of course he changes his mind and decides that a tax increase is needed.

So what will it be, Mr. President? Social Security cuts? Fewer school lunches? Less health care for the elderly? More taxes for working people? Higher and higher interest rates to choke off the American economy? We know that you have refused cuts in your bloated Defense budget, and you resisted our Democratic proposal to limit the tax giveaway for those making more than $50,000.

So how will you do it? And will you tell us before the election, or will you hide your December surprise in the Rose Garden until it is too late for the American people to have their say?

Mr. President, it is time to reveal your secret deficit reduction plan. It is time to be honest about your program for after the election. It is time to show your true colors as they have always been and always will be: more budget cuts for working people, and more tax cuts for the wealthy.

THE PRESIDENT SHOULD SUPPORT HOUSE-PASSED DISABILITY LEGISLATION

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

Mr. PICKLE. Mr. Speaker, last night, President Reagan in his press conference again spoke about his plans for Social Security, and I find his remarks confusing. For the past several months the President has repeatedly said that we will have to reexamine all our entitlement programs, and that the Social Security trust funds may not be adequate to pay benefits to the young people entering the workforce today. Yet last night without even mentioning how we are to pay for such an increase, President Reagan supported paying new Social Security benefits which amount to nearly $6 billion next year alone. This means the wage tax base will be raised.

At the same time, this administration still refuses to support legislation which will allow disabled American workers to receive the disability benefits which they have already earned. I find it ironic that the administration, using its own budget numbers, would argue that we don't have enough money for the totally disabled, but at the same time we can spend additional billions in new and unplanned benefits.

I would hope that the President could find it in himself to change his position on disability legislation and support the House-passed disability legislation which protects the benefits and rights of the least among us.

GOOD LUCK, GERRY

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

Mrs. MARTIN of Illinois. Mr. Speaker, first, my congratulations to our colleague, Representative FERRARO, and some sympathy for the hectic pace she will endure for the next 3 months. She has rescued the Democratic ticket from what looked like terminal blandness.

But there is one more thing she, all women, and indeed all Americans deserve, and that is respect—respect for the office the nominee seeks. It may be true, as she says, were her name Gerald Ferraro, she would not have been considered for the job. But she was and now is no longer just GERALDINE FERRARO, but the candidate. And when the enjoyable and expected 2-

week canonization passes, legitimate questions must be asked. To do less would be both patronizing and wrong.

For instance, it is not immoral to be a big-city Democrat, but it may not be what America had in mind. It is not immoral to favor bigger spending, bigger deficits, and bigger taxes, but it may be wrong for Americans. It is not immoral to have a spouse in business, but ethical questions are not just legitimate but an absolute necessity for a Vice Presidential candidate.

I like GERALDINE FERRARO; I also think that the tired, liberal economic philosophy of the Democratic ticket would be a disaster for America. To not challenge, to not correct, to not contend—because she is a woman—would debase the goal of true equality we both share.

So good luck, GERRY; I hope you are a front runner for the Presidential nomination of your party in 1988—after the reelection of President Reagan.

THE SPOUSAL IRA

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

Mr. DAUB. Mr. Speaker, I enjoyed the President's news conference last night. I thought his comments to the country and to the press assembled were pensive and thoughtful. I was particularly taken by his comments with respect to the spousal IRA. It is a classic Ways and Means problem that I think he seeks to address, and I think his leadership ought to be respected by the House and the Senate.

The means or objectives are four: Financing on a long-term basis at more stable and lower interest rates; financing growth from savings and equity, rather than from debt; creating long-term thrifty incentives; and allowing the possibility for workers to save so that they are less reliant in the long term at their point of retirement on public assistance.

The classic solution, the way, is the doubling of the spousal IRA, which the President has proposed. It is fair, it reverses an unintended amount of discrimination when we passed the first spousal legislation in 1981, because we do not otherwise treat that housewife who works and washes and cooks and cleans and cares for the family in the conventional ways like giving a W-2 or Social Security credits for their hard work.

It is a small amount of short-term Treasury loss for a long-term policy that will save billions of dollars in public assistance in the long term. I ask my colleagues to consider sponsoring H.R. 5940 to that end.

□ 1020

REPUBLICANS' PARTY OF WORKING MEN AND WOMEN

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

Mr. COUGHLIN. Mr. Speaker, as I listened to the thunder of the Democrat Convention, I was struck by the awesome silence about one indispensable group in the Nation. The Democrats reached into their political grab bag and promised something for almost every conceivable constituency it is attempting to woo. Yet, to me and millions of others watching, there was one glaring omission. The Democrats never promised anything to the working men and women of the country.

If the thought, in fact, is the mother of the deed, then the workers of America have been shamefully neglected by the Democrats in convention. And they will continue to be ignored. Indeed, as President Reagan emphasized last night, it is the Republican Party that cares about the working men and women of America—and the retired working men and women of America.

I am reminded of the interesting and analytical speech by a Democrat Member of the other body who said the problem with Democrats is that they spend all their time worrying about how to distribute the golden eggs without concerning themselves about the health of the goose.

It is the Republican Party that cares about the health of the goose that dispenses the golden eggs—the economy of the Nation. It is a healthy economy that provides jobs for working men and women and security for retired working men and women.

It is a healthy economy that provides the jobs and the jobs that provide the taxes to aid the poor and elderly.

It is the Republican Party that cares about taxes and inflation. The Democrats in San Francisco did not have much to say about these issues except that they would increase taxes. Time sure does not change much about the Democrats.

Yet, it is the working men and women of America and the retired working men and women who care about taxes and inflation. They know from experience how much both taxes and inflation can hurt.

By their own rhetoric, the Democrats have demonstrated their insensitivity to the working men and women, who pay more than their fair share of taxes. That they have so obviously ignored these millions of Americans speaks volumes about their preoccupation with gathering in all their diverse and contradictory constituencies and their preoccupation with the distribution of the golden eggs flowing out of Washington.

The Republican Party has demonstrated—by far more than mere rhetoric—that it does care for the working men and women of America and the retired working men and women of America—the latter who serve as targets of Democrat scare tactics.

Unlike the hyperbole bouncing off the walls of the Moscone Center, rank-and-file Republicans were not born with silver spoons in their mouths. I used to work on a production line hustling auto bodies. I spent some time in the Marine Corps and went to law school at night.

I learned that Republicans do not come automatically endowed with a stock portfolio or a grant from the Federal Government. President Reagan comes from a working class family. As he has remarked, the Reagan family was poor but the Government just didn't let them know about it.

President Reagan was a Democrat and a union leader, but he came to believe that it was, in fact, the Republican Party that understood the hopes and aspirations of working men and women throughout the country.

This is the strength of the Republican Party. So long as it remains true to the constituency of the working men and women, and the retired workers, then the Republican Party will retain its inherent appeal. While we must take care of the less fortunate and more needy, to neglect the working men and women of our country would, in the end, betray the best interests of all Americans.

A SMALL, BUT IMPORTANT, STEP

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

Mr. DREIER of California. Mr. Speaker, last week while the Democrats were in San Francisco blasting away at what they perceive to be President Reagan's intransigence on arms discussions with the Soviet Union, a small but very important first step was taken right here in Washington.

On July 17 the United States initialed an agreement with the Soviet Union to update and modernize our hotline communications system. This agreement will allow for a facsimile transmission capability to be added to the current 67-word-per-minute teletype. This will allow the transmission of full texts or maps and graphs.

Last year the gentleman from California [Mr. STARK] and I introduced legislation which called on the President to seek negotiations with the Soviet to modernize our communica-

tions. The Soviets rejected American proposals to link our embassies and military commands, but I am still hopeful that future progress can be made on the establishment of a joint center to house the newly updated system. In the meantime a positive step has been taken.

FEMA REGULATIONS SHOULD BE MORE FLEXIBLE

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

Mr. ROTH. Mr. Speaker, on April 27 a northern Wisconsin area was devastated by fierce tornadoes, and after literally months of examination, the Federal Emergency Management, [FEMA], granted disaster aid.

Although I am very pleased that aid was granted, I am equally appalled at the lack of organization which surrounded FEMA's decisionmaking process. FEMA failed to consider the unique characteristics germane to the area; that is, our travel and tourism industry, as well as our logging business.

The fact is that FEMA regulations should be more flexible to deal with extenuating and unique situations. After all, no disaster is usual, and FEMA and this Congress, I feel, should recognize this fact.

Today I am contacting the appropriate committees here in Congress and FEMA itself to review several concerns expressed by my constituents and I hope that we can make FEMA more responsive to disasters.

HYPOCRISY FOR SENIOR CITIZENS

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

Ms. OAKAR. Mr. Speaker, President Reagan has indicated he may recommend a COLA for seniors on Social Security. I agree with this, but senior citizens will not be fooled. This is too little, too late.

I believe honestly it is a subtle form of hypocrisy when the President has done more to clobber senior citizens. Let us look at the record.

In his first budget, he recommended cutting Social Security by $29 billion, and who was most affected? Elderly women between 75 and 90 years old. He has had more cuts in medicare than any other President, which meant not cost containment but more out-of-pocket expenses for the elderly. He has gutted the housing program for the elderly, cuts in nutrition programs, and recommended the only jobs program for the elderly, title V, under the Older Americans Act.

I think it is hypocrisy and I do not think senior citizens will be fooled.

WALTER MONDALE, SEND US A MESSAGE

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

Mr. GEKAS. Mr. Speaker and Members of the House, Walter Mondale, in his acceptance speech, made reference to a challenge to Congress, and I quote: "We must cut spending and pay as we go."

This is what Walter Mondale said. We have been saying this at least since the first day that I came to the Congress. As a matter of fact, this Member has introduced on several different occasions a pay-as-you-go amendment on new spending programs, only to have those plans beaten down by Walter Mondale's fellow Democrats on the floor of the House.

I would ask Walter Mondale today to issue a statement to tell us how he plans, and not to keep it secret any longer, to pay as you go on the various spending concepts that are presented on the floor of this House.

He further stated, "If you do not hold the line," he said to the Congress, "I will. That is what the veto is for."

To me, that sounds like the possibility that he is advocating the line-item veto. If that is so, let us make it clear. Do not keep it secret, Mr. Mondale. Send us a message. Tell us how you would ask your fellow Democrats on the floor of the House to support a line-item veto or something akin to it. Do not keep these messages secret, these plans secret. We want to know now, because we have plenty of time between now and October 1 to implement cuts and plans for a line-item veto.

SYNFUELS CORPORATION FUNDING SHOULD BE CUT

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

Mr. CONTE. Mr. Speaker, I rise today to alert my colleagues about an opportunity that we were denied yesterday to reduce Federal spending. Yesterday, I and several other Members asked the Rules Committee for permission to offer several amendments to the fiscal year 1985 Interior and Related Agencies appropriations bill to rescind $9 billion from the Synfuels Corporation. The Rules Committee denied our request. In this time of $200 billion deficits, we should not leave the Synfuels Corporation with excess levels of funding when they have shown us to be less prudent in spending hard-earned taxpayers' dollars.

A GAO study was released yesterday which concludes that Union Oil Co. will be paid up to $1 million a day in price subsidies between 1989 and 1995 for price supports for synfuels produced at their Parachute, CO, plant. This multimillion dollar subsidy is in addition to an estimated $3.4 billion in tax breaks Union will receive for plant construction.

Now we all know that Union Oil is not on the brink of bankruptcy, and it is crazy to pay $92 for a barrel of oil that sells for less than $30 on the open market.

Several bills have been introduced which would modify, cut back, or abolish the Synfuels Corporation. A majority of our colleagues have cosponsored one or another of these bills. Therefore, I am going to fight this rule later today. I urge my colleagues to support my efforts to allow the full House of Representatives the opportunity to express its will on this matter.

It was said at the Democratic Convention in San Francisco that the Republican Party is a party of the Cadillacs and the private airplanes. If you vote for that rule today, you are voting for the big limousines, the big Cadillacs, and the private planes. This is a chance for you to put or shut up.

CIVILITY, COMITY AND RHETORIC

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

Mr. MICHEL. Mr. Speaker, a few moments ago the distinguished majority leader referred to the President as "intellectually dishonest."

Mr. Speaker, on July 19, 1984, United Press International reported that the Speaker of the House said the following things about the President of the United States—and I quote:

> The evil is in the White House at the present time * * * and that evil is a man who has no care and no concern for the working class * * * He's cold. He's mean. He's got ice water for blood.

In almost 30 years in the House, I have never heard such abusive language used by a Speaker of the House about the President of the United States.

To refer to the President in such terms is to deliberately step outside the bounds of civility and comity.

This is not the first time the Speaker has spoken of the President in personal terms. It is only the most disturbing such incident.

There are precedents in our House rules forbidding personal abuse of a President on the floor of the House.

Surely the spirit of these rules ought to be adhered to by the Speaker off the floor as well as on the floor.

Mr. Speaker, as a long-time friend and colleague and one who reveres your high office, I implore you to stop this continuing personal abuse of the President of the United States. It is

beneath the dignity of your office and is causing many of your friends to worry and wonder why you are acting this way.

□ 1030

A REPORT TO CRITICISM OF STATEMENTS MADE BY THE SPEAKER

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

Mr. FRANK. Mr. Speaker, I had not come here intending to do this, but I am very disturbed by the implications of the remarks of the gentleman from Illinois when he suggests that we should be bound by the rules of the House off the floor of the House.

I would find it very awkward to walk around addressing my friends as "the gentleman from" such-and-such and the "gentlewomen from" so-and-so. I would find it very awkward to always be talking in the third person. I would find it kind of a deprivation off the floor not to be able to refer to the other body in any terms other than "the other body."

I find it hard to believe that my friend, the gentleman from Illinois, really thinks that the rules of the House which are set up to conduct business here in the House ought to carry afterwards, and the notion that the Speaker is somehow always carrying the floor around with him and is to be bound always by those rules cannot be meant seriously, and I think it is just a sign that the election is approaching.

A "NEW REALISM" VERSUS "OLD FANTASIES"

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

Mrs. KENNELLY. Mr. Speaker, while some are talking about a "New Realism" in American politics, our President demonstrated last night that the fiscal policies of his administration would continue to be guided by "old fantasies."

The President stated flatly that he has no plans to raise taxes on the wealthy. He also made it abundantly clear that he has no plans for lowering the skyrocketing deficits his tax-and-borrow policies have produced. The President said these policies will lead to long-term economic growth. The reality is that these policies are only leading to long-term high interest rates and a staggering national debt which has doubled during his 4 years in office. The President said that the solution to the deficit question is for Congress to pass a constitutional amendment to balance the budget. The reality is that Mr. Reagan could have submitted a balanced budget to the Congress anytime during the past 4 years and we would have done all we could to enact it into law.

Mr. Speaker, we all know the Presidential role model is Calvin Coolidge, who is reported to have slept through most of his administration. Last night Mr. Reagan must have been sleepwalking through his news conference. Unfortunately, the deficits he is talking about are not a dream—they are a nightmare.

AN EASY CHOICE—REELECTION OF THE PRESIDENT

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

Mr. MACK. Well, the race is on, Mr. Speaker. The stage is set. The campaign is going forward. The Democrats are going to resort to their old policies of name-calling, character assassination, fear-mongering, and, yes, more taxes and more spending.

The choice is clear. You can choose the Democrats, more Government, more taxes, more fear, or you can choose the Republicans, more growth, more jobs, more opportunity. The American people believe that America is back, so the choice will be easy. President Reagan will return for another 4 years.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY AND TOMORROW DURING THE 5-MINUTE RULE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research and Technology of the Committee on Science and Technology be permitted to sit today and tomorrow, July 25 and July 26, 1984, while the House is in session under the 5-minute rule for the markup of two bills: specifically, H.R. 5503 and S. 1286.

This request has been cleared with minority.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

The SPEAKER. Pursuant to the order of the House of Tuesday, July 24, 1984, the first order of business is the unfinished business on the motion offered by the gentleman from Kentucky [Mr. PERKINS] to suspend the rules and agree to House Resolution 554.

The gentleman from Kentucky [Mr. PERKINS] has 20 minutes of debate remaining and the gentleman from Pennsylvania [Mr. GOODLING] has 20 minutes of debate remaining.

The Chair recognizing the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, on the resolution pending at the desk, I yield back the 20 minutes, the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and agree to the resolution, House Resolution 554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

TITLE VIII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE AND EDUCATION AND JOBS ACT

Mr. PERKINS. Mr. Speaker, pursuant to the resolution just adopted, I have a motion at the desk which I offer.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. PERKINS moves to suspend the rules, to discharge the Committee on Education and Labor and the Committee on the Judiciary from further consideration of the Senate amendment to the bill, H.R. 1310, and to concur in title VIII of the Senate amendment.

The SPEAKER. Pursuant to House Resolution 554, a second is not required on this motion.

Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 30 minutes and a Member who is opposed to the legislation will be recognized for 30 minutes.

Is there any gentleman on the Republican side who is opposed to the resolution?

Hearing none, the Chair will inquire, is there a Member on the Democratic side who is opposed to the legislation?

Mr. SCHUMER. Mr. Speaker, I am opposed to the legislation.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the chairman of the Committee on Education and Labor for yielding me this time.

Mr. Speaker, I opposed the last version of the equal access bill, I spoke against it, and I voted against it. I intend to vote in favor of the motion the gentleman from Kentucky [Mr. PERKINS] has offered today.

The bill as it initially came before us had some flaws. Those flaws that bothered me have been corrected. The bill that we have before us now does not discriminate among different types of groups. It offers protection for the right of students to have meetings of their own choice open to religious, political and philosophical groups, all groups.

The original bill would have given the force of law to the right of students to meet during the school day. The bill we have before us now deals with before school and after school. As to during the school day, that is left up to the local schools to do as they wish.

The bill also has some guarantees for minorities. In other words, all of the specific defects people had problems with in the original bill have been cleared up, and we are left with the basic point.

There are friends of mine whom I respect greatly who say that somehow we ought never to allow religious-oriented activities to take place on public property, particularly with regard to the schools. I think that is in error. I think that the coercive aspect of school prayers led by teachers is wrong, undercuts fundamental freedoms, and ought not to be allowed, but wholly voluntary activities where outsiders can be prevented from coming in, as under this bill, after school, initiated by the students themselves, whether for religious, political, or philosophical purposes, seems to me legitimate.

Indeed, Mr. Speaker, I regard this as a very auspicious day in many ways in regard to those of us who think we ought not infantilize teenagers. This is a bill which recognizes the rights of teenagers in the high schools to say that if any group is allowed to meet, then all groups, as long as they do not break either the laws or the furniture, should be allowed to meet in the school buildings. It is an empowerment in my judgment of teenagers so that the school boards and the school authorities can no longer pick and choose for these teenagers. They can no longer say,"If you have a meeting of this club, you can't have a meeting of that one."

It is a piece of legislation which says, if we are going to allow access to the schools for the young Republicans and the young Democrats, then all political opinions are going to be in and all social opinions are going to be in. If you are going to have this group in, you can have that group in. I do not see the objection. It is noncoercive, and it keeps out outsiders. It is not during the school day.

I do not see any damage that comes to the fabric of this society from the fact that some teenagers might decide to have a meeting of a radical political group while others might decide to have a meeting of a particular religious society. I think those of us who think teenagers ought to be treated with some respect for their individuality ought to welcome this bill, and I commend the gentleman from Kentucky and the gentleman from Washington. They have done a great deal of work on this bill. They have accommodated the wishes of the House. They had a version that did not pass. They sat with people and they met with people, they have negotiated, and I think they have done a good job.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I have listened with great interest to the gentleman's remarks. He has expressed more articulately than I could my feelings about the bill in its present form. I commend the gentleman for his statement, I associate myself with his remarks, and I urge adoption of the legislation.

Mr. FRANK. Mr. Speaker, I thank my friend, the gentleman from Georgia, and I yield back the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may require.

□ 1040

Mr. Speaker, I think that certainly as the gentleman from Massachusetts has stated, this bill is an improvement over the previous bill that was before us; but nonetheless, this bill creates major, major problems, and reverses a 200-year tradition in this country that many of our forefathers died for, and that is the separation of church and state and no state establishment of a religion.

In fact, Mr. Speaker, if this bill passes, we will add a fourth "R" to the curriculum of our schools. There will be reading, 'riting, 'rithmetic and religion, because there is nothing, not even in this new improved version of the bill, that prevents religious services in the schools before and after classes.

There are two major arguments against this bill and I would ask my colleagues to listen to them carefully, because they represent major issues and major changes in our governmental view. It is unfortunate that we have so little time to debate them.

The first is the establishment clause. Should school property be used to foster or aid religion in any way? The supporters of the bill, for instance, ask what is wrong with two students while on a schoolbus on its way to school discussing the Bible? Nothing, and our Constitution protects that kind of speech today without any legislation. We need no new legislation to ensure that. But let us say that at a student's request the back half of the bus was reserved for a Bible discussion. That is wrong, and would probably most certainly be allowed under this bill.

The gentleman from Massachusetts said there is no coercion in this bill. Would an 11-year-old—and some 11-year-olds are covered by this bill—feel coercion if three-quarters of the students sitting in the back of the bus discussed the Bible, one particular version of the Bible, and that student had to sit somewhere else? I submit that that student would indeed feel coerced.

The second point is that this bill requires school administrators to decide what is religion and what is not. School officials will have to spend innumerable hours determining whether or not various groups represent legitimate religions, because if they are, this bill allows them to meet. School administrators will also have to decide what is conducting a meeting, because there is a provision in the bill to prevent outsiders from conducting meetings. But is giving a sermon conducting? I submit it is not. Should the school administrator have to decide?

Could a different outsider come in each week to school and participate in a prayer service or class sermon? Yes, by this bill, he indeed could.

Additionally, Mr. Speaker, in my opinion, nothing in this bill prohibits a student-initiated catechism or baptism or other religious services from occurring in our classrooms.

Is that what we want? Is that what the Founding Fathers died for when they were seeking freedom of religion?

I share the anguish of many of my colleagues who have firm religious beliefs and do not want to see students prohibited from discussing religion among themselves in the lunchroom or on the bus or during recess. I submit that our Constitution already protects them; but this bill goes much further in terms of the establishment clause by allowing religious services in the school.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I will yield when I am finished.

Mr. EDWARDS of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman move a call of the House?

CALL OF THE HOUSE

Mr. EDWARDS of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 312]

Ackerman	Derrick	Horton
Addabbo	DeWine	Howard
Akaka	Dickinson	Hoyer
Albosta	Dicks	Hubbard
Alexander	Donnelly	Huckaby
Anderson	Dorgan	Hughes
Andrews (TX)	Downey	Hunter
Annunzio	Dreier	Hutto
Anthony	Duncan	Hyde
Archer	Durbin	Ireland
Badham	Dwyer	Jacobs
Barnard	Dyson	Jeffords
Barnes	Eckart	Johnson
Bartlett	Edgar	Jones (NC)
Bateman	Edwards (CA)	Jones (OK)
Bates	Edwards (OK)	Kaptur
Bedell	Emerson	Kasich
Beilenson	English	Kastenmeier
Bennett	Erdreich	Kazen
Bereuter	Erlenborn	Kemp
Berman	Evans (IA)	Kennelly
Bethune	Evans (IL)	Kildee
Bevill	Fascell	Kindness
Biliraki	Fazio	Kleczka
Bliley	Feighan	Kogovsek
Boehlert	Fiedler	Kolter
Boggs	Fields	Kostmayer
Boland	Fish	Kramer
Boner	Flippo	LaFalce
Bonior	Florio	Lagomarsino
Bonker	Foglietta	Lantos
Borski	Foley	Latta
Bosco	Ford (MI)	Leach
Boucher	Ford (TN)	Leath
Boxer	Fowler	Lehman (CA)
Breaux	Franklin	Lehman (FL)
Britt	Frenzel	Leland
Brooks	Fuqua	Lent
Broomfield	Garcia	Levin
Brown (CA)	Gaydos	Levine
Brown (CO)	Gejdenson	Levitas
Broyhill	Gekas	Lewis (FL)
Bryant	Gephardt	Lipinski
Burton (CA)	Gibbons	Livingston
Burton (IN)	Gilman	Lloyd
Byron	Gingrich	Loeffler
Campbell	Glickman	Long (LA)
Carney	Gonzalez	Lott
Carper	Goodling	Lowry (WA)
Carr	Gore	Lujan
Chandler	Gradison	Luken
Chappell	Gray	Lundine
Chappie	Green	Mack
Cheney	Gregg	MacKay
Clarke	Guarini	Markey
Clinger	Gunderson	Marlenee
Coats	Hall (IN)	Martin (IL)
Coelho	Hall (OH)	Martin (NC)
Coleman (MO)	Hall, Ralph	Martin (NY)
Coleman (TX)	Hall, Sam	Martinez
Collins	Hamilton	Matsui
Conable	Hammerschmidt	Mavroules
Conte	Hance	McCain
Cooper	Hansen (UT)	McCandless
Coughlin	Harkin	McCloskey
Courter	Hartnett	McCollum
Coyne	Hatcher	McCurdy
Craig	Hawkins	McDade
Crane, Daniel	Hayes	McEwen
Crane, Philip	Hefner	McGrath
Daniel	Hertel	McHugh
Dannemeyer	Hightower	McKernan
Darden	Hiler	McNulty
Daub	Hillis	Mica
Davis	Holt	Michel
de la Garza	Hopkins	Miller (CA)
Miller (OH)	Regula	Spratt
Mineta	Reid	St Germain
Minish	Richardson	Staggers
Mitchell	Ridge	Stangeland
Moakley	Rinaldo	Stenholm
Molinari	Ritter	Stratton
Mollohan	Roberts	Studds
Montgomery	Robinson	Sundquist
Moody	Rodino	Swift
Moore	Roe	Synar
Moorhead	Roemer	Tallon
Morrison (CT)	Rogers	Tauke
Morrison (WA)	Rose	Tauzin
Mrazek	Roth	Taylor
Murphy	Roukema	Thomas (CA)
Murtha	Rowland	Thomas (GA)
Myers	Roybal	Torres
Natcher	Rudd	Torricelli
Nelson	Russo	Valentine
Nichols	Sabo	Vander Jagt
Nielson	Sawyer	Vandergriff
Nowak	Schaefer	Vento
O'Brien	Scheuer	Volkmer
Oakar	Schneider	Vucanovich
Oberstar	Schroeder	Walgren
Obey	Schulze	Walker
Olin	Schumer	Watkins
Ortiz	Seiberling	Weaver
Oxley	Sensenbrenner	Weber
Packard	Sharp	Weiss
Panetta	Shaw	Wheat
Parris	Shumway	Whitehurst
Pashayan	Sikorski	Whitley
Patman	Siljander	Whittaker
Patterson	Sisisky	Whitten
Paul	Skeen	Williams (MT)
Pease	Skelton	Williams (OH)
Penny	Slattery	Wirth
Perkins	Smith (FL)	Wise
Petri	Smith (IA)	Wolpe
Pickle	Smith (NE)	Wortley
Porter	Smith (NJ)	Wyden
Price	Smith, Denny	Wylie
Pursell	Smith, Robert	Yates
Quillen	Snowe	Yatron
Rahall	Snyder	Young (AK)
Rangel	Solarz	Young (FL)
Ratchford	Solomon	Zschau
Ray	Spence	

□ 1100

The SPEAKER. On this rollcall, 374 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

TITLE VIII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

The SPEAKER. For the Members who were not present, the Chair will state that the time has been equally divided between the gentleman from Kentucky [Mr. PERKINS] and the gentleman from New York [Mr. SCHUMER].

When the call of the House was moved, the gentleman from New York [Mr. SCHUMER] was at the microphone.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the Speaker.

As I was arguing before the quorum call, the first major argument against this piece of legislation is that it may indeed allow, and it certainly does not explicitly prohibit, prayer services, baptisms, catechisms, on school property.

The second argument is a different argument. And I would ask my colleagues once again to pay attention to it. It is not what the bill purports to do but what it might do.

Neither under this legislation nor under our Constitution can we say that certain religions that we like can have time in school buildings and other religions cannot. Under this legislation, any number of students could get together and ask that a school classroom be used for a religion that they were interested in. That does not just mean Christianity, Judaism, Islam, the major religions; it means any religion or any cult could be allowed into our schools.

People in our schools could be invited in to address students on such things as the Neo-American Church, one of the religions in the American Encyclopedia of Religion.

The Neo-American Church, reading from the Encyclopedia, was formed in 1964 by Arthur Kelps, the son of a Lutheran minister. One of his supporters, Timothy Leary, called him an authentic American anarchist conformist itinerant preacher.

The target of this diatribe and praise, Arthur Kleps, calls himself Chief Boo Hoo, primate of the East and proponent extraordinaire of the sacramental use of psychedelic substances.

That gentleman, Chief Boo Hoo, could be invited by an unwitting group of students into any school in America after this legislation passes and lead discussions, conduct meetings, teach the use of psychedelics, et cetera.

I believe in the first amendment, my colleagues. But we have a question to ask ourselves here: Do we believe that 11-, 12-, 13-, and 14-year-olds should have complete first amendment rights to do whatever they wish in school buildings?

Mr. HYDE. Would the gentleman from New York yield?

Mr. SCHUMER. I will yield at the end of my time or yield later to the gentleman on his time.

This is a question that is before us. Once again, ladies and gentlemen, once again any religion or anything that calls itself a religion will be in our classrooms if this legislation passes.

I daresay that the proponents of this bill will rue the day they pushed it through the House, given the consequences of this legislation. So, my colleagues, in conclusion, I ask you to think twice about this bill.

Mr. HYDE. Would the gentleman yield?

Mr. SCHUMER. I will not yield.

First, you should reject this bill on the basis of the establishment clause. It was said by none other than Jerry Falwell why "our supporters" are backing this bill. Mr. Falwell said the real reason is to get prayer back into the schools, but he said, "We knew we couldn't win on school prayer but

equal access gets us what we wanted all along."

The second reason to oppose this bill is that it would allow any group of students—two or more—to invite anything that calls itself a religion, a cult, or whatever, into the classroom to use school facilities. This would give implicit sanction to that religion in that the use of those school facilities means that this religion is OK.

Yes, we want to end certain abuses; no, we do not need an overly widely drawn equal access bill that will do far more than its proponents say it will.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the author of the bill the gentleman from Washington [Mr. BONKER].

Mr. HYDE. Mr. Speaker, as the gentleman approaches the well, would he consider yielding to me?

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

Mr. HYDE. I thank my friend for yielding.

Mr. Speaker, I just want to say I cannot believe that I have heard what I have just heard. I take it that the gentleman would accept an approved list of religions that we could properly call religions, the rest we would call cults. We would accept Christianity, Judaism, and Islam and then any others would be a cult and as those who oppose this bill would have it, we are not to have freedom for everybody, especially students; there is a certain age they must attain when they are entitled to exercise freedom.

I thought one of the remarkable things about the past week was there was such diversity of expression on the streets of San Francisco. If Sister Boom-boom wants to head a religion, she, he/she ought to be tolerated as someone who can exercise free speech. It ought to apply for those you disagree with as well as those you agree with.

I am concerned that the gentleman has a diminished understanding of what free speech and the free exercise thereof means. These expressions of intolerance are both surprising and sad.

Mr. Speaker, I thank my friend for yielding.

Mr. BONKER. I thank the gentleman.

Mr. Speaker, I think it would be wise to remind Members of the status of this legislation. The House deliberated the equal access bill last month under suspension and it lost by 11 votes, 11 votes short of the two-thirds required.

Meanwhile, the Senate has added an equal access to the math and science bill as an amendment which passed by a vote, I believe, of 88 to 11. The proposal has now come back over here, and we are taking up the issue under suspension.

I would remind my colleagues that the bill has been greatly modified in the Senate. There have been adopted a number of changes which have now made this proposal more acceptable to many Members who previously had concerns.

□ 1110

In fact, many of the questions which were raised in the earlier debate are now accommodated by the Senate passed amendment.

The ACLU and the NEA, which strongly opposed the measure in the last round of debate, now officially are neutral on the equal access bill that is before us.

I would personally say that the new proposal is not what I would like to see. I think the changes in the Senate have greatly watered down our original intent. It is a compromise, but I think it is an acceptable compromise.

I would urge the Members to join the chairman and the gentleman from Pennsylvania [Mr. GOODLING] and myself in supporting the equal access amendment to the math and science bill.

Let me make a few points about the original bill which are still valid today.

Constitutional rights are being denied students who want any kind of religious activity. Lawrence Tribe, the nationally acknowledged constitutional attorney, has said to deny these students an opportunity to meet on school premises either before school hours or after school hours is to deny them their constitutional rights.

The gentleman from New York raised the issue of the establishment clause. Let me read what the first amendment says. It states:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

There is nothing in this bill that has Congress establishing a religion. Indeed, what we are trying to do is to address the other two clauses in the first amendment; that we do not prohibit the free exercise of religion, nor are we abridging the freedom of speech. That is precisely the point Lawrence Tribe makes, that we are denying people an opportunity to exercise their freedom of speech.

The 1962 court ruling on school prayer did not address their particular issue. This has resulted in a great deal of confusion in the school districts and among the various courts that have ruled on the matter.

The 1981 Widmar decision in Missouri is an important case to remember. That court had found that equal access was being denied college students because they were disallowed from meeting on the campus.

The SPEAKER. The time of the gentleman from Washington [Mr. BONKER] has expired.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. I thank the gentleman.

Let us keep in mind that this proposal will maintain Government neutrality. Government cannot mandate or prescribe prayer, but it also must not ban voluntary assembly of individuals for religious reasons.

My colleagues will hear a lot of far-fetched tales from the other side. Let me say that we have accommodated all the concerns that were raised earlier. They have now come back with a whole new set of concerns.

If you are for the freedoms that are prescribed in the Constitution, if you want to allow students an opportunity to meet for religious purposes outside the classroom, if you want to make sure that everybody receives their constitutional rights, please vote for this amendment.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The SPEAKER. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 1½ minutes.

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1310, the Education for Economic Security Act, and urge my colleagues to vote aye on both motions before the House.

H.R. 1310, as passed by the Senate, addresses two problems which have been near the top of the agenda during this Congress. First, it authorizes $425 million in fiscal year 1984 and $540 million in fiscal year 1985 to address our alarming shortage of qualified math and science teachers at a time when the international marketplace demands that our students be highly skilled in these areas. The number of unqualified math and science teachers in secondary school classrooms has been estimated as high as 50 percent and this bill, combined with the necessary State and local efforts will help reduce that percentage.

The other important reason to pass this bill is because it contains the Equal Access Act, which makes it unlawful for a high school to deny use of its buildings to religious, political and other student groups while granting access to other student-initiated groups.

I wish to commend the distinguished chairman of the Education and Labor Committee, Mr. PERKINS, for literally moving mountains in bringing this bill to the House floor today. In addition, my colleague and good friend from Pennsylvania, Mr. GOODLING, has brought to this issue the commonsense and sound judgment that always characterize his leadership on education issues.

This bill is needed to end the confusion surrounding the free speech and assembly rights of students and to end the costly legal battles and needless confrontation between parents, students, and local school officials.

To understand the need for this legislation, consider the following recent situation: In 1981, Lisa Bender and some of her classmates at Williamsport High School in Pennsylvania decided to form a club which would meet during the school's activity period. That's not unusual because Williamsport High School, like many high schools, permitted students to organize clubs and informal meetings as their interests developed. This would include, for example, a group to raise money for a local charity or maybe a Young Republicans or Young Democrats Club.

Lisa's group, however, differed from the others because it was to be a nondenominational prayer fellowship. The group was entirely student-inspired and was to involve no school officials or faculty members, except for purposes of supervision.

After first allowing the group to meet, the school board later reversed its decision—after considerable review and discussion with its lawyers—for fear of violating the first amendment's prohibition against the establishment of an official religion. (The "Establishment Clause.") As a result, Lisa and her friends could not meet during activity periods while other student groups could.

This ruling by the school board occurred 1 month after the Supreme Court had ruled in another case that a university's refusal to allow such student groups was a violation of the "fundamental principle that a State regulation of speech should be content-neutral." In other words, the university could allow student groups to meet on their premises, whether they were religion oriented or not.

Although the rationale behind that decision appeared equally applicable to secondary school situation, the Williamsport School Board took what it believed to be the safe course by refusing permission for Lisa's group.

Over the next 2 years, Lisa Bender and her classmates, and the taxpayers of Williamsport spent a considerable amount of money fighting this matter in the courts—only to have the U.S. district court confirm what already seemed apparent: that the Constitution did not merely allow the school district to let Lisa's group meet, it required it.

If this were an isolated case, there would probably be no need for the Congress to become involved. Unfortunately, this is happening in school districts throughout the country, resulting in considerable expenditures of legal fees and, more unfortunately, a denial of constitutional rights.

Some have claimed that allowing religious groups to meet in the school under any circumstances will have the effect of advancing religion because of the impressionability of high school students. This assumption ignores studies of adolescent psychology which have shown that it is a time of increased cognitive capacity, marked by an ability of the adolescent to differentiate himself from authority figures he depended upon as a younger child. Adolescence, almost by definition, is a crucial stage of development where it is important that one be exposed to different viewpoints and become aware of the variety of ideas which characterize our society.

The Supreme Court has been aware of this need for many years, as it formed the crucial underpinning of the landmark 1969 ruling which held that the first amendment's free speech guarantee extends to public school students. That decision, roundly applauded by civil libertarians, assumed a degree by maturity on the part of students that is clearly recognized by this bill.

In closing, I would like to quote from Prof. Laurence Tribe, who stated in his landmark treatise on American constitutional law that the establishment clause entails "a notion of accommodation—recognizing that there are necessary relationships between government and religion; that government cannot be indifferent to religion in American life; and that, far from being hostile or even truly indifferent, it may, and sometimes must, accommodate its institutions and programs to the religious interests of the people."

Mr. Speaker, this bill, contrary to what some critics have said, is not a back door way of getting prayer into the schools. It is a law which permits freedom of speech and expression to students like Lisa Bender who want to use their activity time for religious meetings or political debates or aerobics or whatever. The bill does nothing more than this and is therefore both legally acceptable and necessary in a free society under our Constitution.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. LOTT], one of my distinguished leaders.

The SPEAKER. Without objection, the gentleman from Mississippi [Mr. LOTT] is recognized for 2 minutes.

There was no objection.

Mr. LOTT. Mr. Speaker, this is a proud and happy day for me, and I am sure that President Reagan shares my joy. Early last year, I introduced the original equal access bill into this House. The administration stood foursquare behind the proposal. Chairman PERKINS was kind enough to hold a hearing on that bill almost exactly 1 year ago. The serious need for equal access legislation first became apparent at that hearing. Since that time, the equal access legislation has gone through many versions, received much press, and been vigorously debated in both Houses of Congress.

Throughout this process, the underlying principle has remained cleared and unchanged. High school student groups wishing to meet together for religious purposes have been denied the equal opportunity afforded for other student groups. This denial has often been based on misunderstanding and confusion rather than malice on the part of school administrators. Nonetheless, it is wrong, and should be corrected by congressional action. Congress is charged by the 14th amendment with protecting constitutional liberties, and that is precisely what this equal access legislation does.

President Reagan has recognized the need for equal access legislation. He has spoken out on this issue several times, bringing attention to the abridgment of individual religious freedom in many public schools. Just yesterday, the President publicly reaffirmed his support for this measure. The Presidency is indeed a "bully pulpit," as Theodore Roosevelt once noted, and President Reagan has used his bully pulpit to arouse the conscience of this country about the need to protect religious liberty. Freedom of religion is indeed the foundation of all our other rights.

Many Members of Congress also deserve credit for promoting this legislation. Congressmen BONKER, GOODLING, and CHANDLER stand out as fellow cosponsors in the House; Senators DENTON, LEAHY, and HATFIELD as cosponsors in the Senate; and, most of all, Mr. PERKINS as chairman of the Education and Labor Committee. This has truly been a bipartisan effort, but then the protection of constitutional freedom knows no partisan lines.

I urge all my fellow Members of Congress to vote for this bill. Our children and America's high school students need this protection of their freedom of speech and religion.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER. Without objection, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 1 minute.

There was no objection.

Mr. GEKAS. Mr. Speaker, the unique feature of the legislation that is before us here today is that it was not born of an initiative of us adults who purportedly know best how to help our youngsters. This idea came from the youngsters themselves.

□ 1120

We are not forcing anything upon these young people. In Williamsport, PA, a group of youngsters demanded

equal access to form a Bible study club and were refused that opportunity by the school district officials. It is these youngsters who took the matter to court; they are the ones who have come to us public officials and have said, "Give us equal access, or whatever amounts to equal access."

It is one principle and one principle alone: The freedom of speech that these youngsters want to exercise.

That does not collide with the freedom of religion or the establishment of religion clause in the other part of the freedoms that we enjoy in this country.

I urge support of the amendment.

Mr. SCHUMER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Speaker, the history of this equal access bill is that it passed the other body as an amendment to a House-passed math and science bill on June 27. The science and math bill is a good bill. But the Senate had no hearings, none whatsoever on the equal access amendment. The bill was written entirely on the floor. It came to the House shortly before our July recess. This equal access bill, written on the floor of the other body, came to the House shortly before the recess attached to the math/science bill and was appropriately referred both to the Judiciary Committee and to the Education and Labor Committee, pursuant to the rules of the House.

No committee has had any opportunity to have hearings or any kind of study on this bill written on the floor of the other body, and yet there are important constitutional questions involved. The Judiciary Subcommittee that I chair had planned 2 weeks of in-depth hearings but we found out, on our return from the recess, that the bill was scheduled today under the seldom used Calendar Wednesday procedure.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The staff persons on the floor are here by courtesy, and they will take seats.

Mr. EDWARDS of California. There were no hearings in the Committee on Education and Labor, no hearings in the Committee on the Judiciary. Take it or leave it; take the other body's bill written on the floor of the Senate, passed with no hearings over there, or leave it. And your Judiciary Committee has had no opportunity to report to you in a careful and orderly manner.

Member after Member has come up to me and said, "What is in this Senate bill? What is it all about?"

Well, we have studied it, we have read it carefully and have studied the debate in the other body and have solicited opinions from constitutional scholars. And here is what the bill is all about, here is what you are going to be voting on today:

First of all—and this is the heart of the bill—for the first time in our history Federal law will license, indeed encourage, religious services in your public high schools. Under any definition, this is Government sponsorhip of religion. Students who want to hold religious services, or prayer meetings, on public school property are guaranteed the right to do this. And I might point out, under this bill, one of the authors of the bill in the other body has said, a sealed door has had its seal broken, we can probably get it in to grade schools.

If a principal says no to these student groups wanting to hold religious services in the public high schools, it is a violation of Federal law, subject to costly litigation and all the power of the Federal Government. And this, Mr. Speaker, at a time when our public high schools are in such trouble: The San Jose Union School District, San Jose, that I represent, is in bankruptcy. We are going to Germany to get math and science teachers, and here we are considering this bill.

I have a letter from a New York school superintendent. He said: "This will open a Pandora's box of explosive emotionally charged or potentially destructive forces likely to inflict critical damage on public education in this Nation."

Mr. Speaker, the school districts themselves are going to be inundated by demands from students for religious meetings of various types of cults, fringe groups, and allegedly religious movements. The school administrators are going to have to spend innumerable hours determining whether or not various groups represent legitimate religious, political, or philosophical interests and are therefore eligible to use the school property. Schools will spend taxpayers' funds to pay teachers to perform the so-called custodial task of attending these meetings. And as outside groups multiply, this new cost to the taxpayer will escalate.

Now, I assure you, Mr. Speaker, that just because a student must initiate the request, this is not going to hinder many religious cults and organizations whose aggressive proselytizing of children is a major objective of their existence. They will simply make one of their student members request the use of the school facility.

Administrators and teachers whose chief charge is to give learning and achievement the highest priority will be asked to divert their time and energy from this goal in order to spend hours reviewing, monitoring, patrolling and refereeing relationships between the groups the Senate bill would bring into the schools.

Lastly, Mr. Speaker, the Judiciary Subcommittee I chair has joint jurisdiction over the Senate bill until August 6. We need until that date to study the Senate bill, to hold public hearings, to learn more about the grave constitutional implications of this bill sent to us by the other body as a nongermane attachment to a splended education bill, and I request respectfully, Mr. Speaker, that this is not a responsible course of action by this body and I urge a no vote.

Finally, Mr. Speaker, I would like to bring to my colleagues' attention today's editorials in the New York Times and the Washington Post which reinforce my view that this bill is both unwise and unconstitutional.

The editorials follow:

[From the Washington Post, July 25, 1984]

EQUAL ACCESS REVISED

Today the House is due to consider the so-called equal access legislation passed by the Senate last month. The bill is admittedly a great improvement over a similar measure considered by the House last spring. That proposal would have cut off funds to all secondary schools that refused to allow student religious groups to meet on school time and on school property. It would have allowed visiting adults to conduct and control the meetings and would have given school officials power to deny meeting rooms to religious groups that didn't have a large number of members. The House refused to suspend the rules to consider that bill, and it was withdrawn. The Senate version, which is now up for a vote, does not contain these objectionable features of the earlier proposal, but the basic purpose of the bill remains the same: to require schools to allow youngsters to hold religious meetings in public school facilities.

Why is the concept of keeping public schools completely separate from sectarian religious activity so hard for some legislators to accept? Having lost the battle for formal prayer in the classroom, many of the supporters of this equal access bill see student religious meetings as the next best alternative. But it is bad policy. Public schools have enough to do without providing space, teacher supervision and general approval for religious meetings involving children in the 7th grade and older. State schools should be a unifying force, emphasizing the characteristics that our children have in common rather than those by which they are separated.

Prayer groups, worship services and religious instruction belong in the home and in churches where complete religious freedom—including the freedom to belong to unpopular cults and socially controversial groups—is protected. It would be an unfortunate precedent for Congress to require that they be conducted and sanctioned under the auspices of the public schools.

[From the New York Times, July 25, 1984]

SCHOOLHOUSE FREE-FOR-ALL

Bending itself out of shape to accommodate the pressure for prayer in schools, the Senate has now acted to admit a little prayer before or after classes, but in a perversely liberal way: it would also admit some atheism, politics and perhaps even homosexual agitation on an equal basis. And in thus maneuvering around the constitutional

issues raised by prayer in schools, the Senate exposes the underlying question of whether Congress has any business defining the rights of high school students.

The Senate bill, which passed by a lopsided vote of 88 to 11, sought to meet constitutional objections to the Religious Speech Protection Act that failed to carry in the House in May. The House bill would have denied Federal funds for school districts that refuse to let high school students hold extracurricular meetings "on the basis of the religious content of the speech at such meetings."

The new Senate bill proposes instead to forbid any district to prevent school gatherings on the basis of "the religious, *political, philosophical or other* content of the speech at such meetings." The few extra words make a big difference. But like the old bill, the new one would authorize an unprecedented Federal invasion of local control over education policies.

Congress has never before written a High School Student Equal Rights Act or Bill of Extracurricular Rights.

Under the Senate bill, a school system that uniformly provides for voluntary, student-initiated meetings before or after the school day would be staging a "limited public forum" open to any religious or nonreligious group, whatever its size.

This would surely permit some forms of prayer in some public school buildings if students choose the prayers and religious readings. Ministers could not "direct, conduct, control or regularly attend"—but they could attend.

Senator Jeremiah Denton of Alabama has reason to rejoice at this religious foot in the door. "A sealed door has had its seal broken," he said. "We can probably get it to grade schools."

Yet Senator Denton and his allies should ask themselves whether they really want equal access for all types of meetings. They may think they're putting God in the classroom, but atheists, too, would have their hour. So would socialists, homosexuals and vegetarians.

Thus legislating for the schoolhouse from Washington is a clear case of a cure that is more dangerous than the disease. It is the Federal foot that's really in the door, and it will next step on the curriculum itself.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] has 17 minutes remaining, the gentleman from Kentucky [Mr. PERKINS] has 11 minutes, and he yielded time to the gentleman from Pennsylvania [Mr. GOODLING] who has 4½ minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER], a distinguished member of the subcommittee.

Mr. KASTENMEIER. Mr. Speaker, I am pleased to see that the equal access proposal before us today is a significant improvement over a similar proposal defeated by this body on May 15. I would like to commend Senator HATFIELD and others who labored to produce a piece of legislation that better expresses the noble purposes of its sponsors. They accomplished this by curing many of the problems of the earlier bill, including unlimited access by outsiders and the exclusion of students belonging to religious minorities unable to meet a numerical minimum.

Despite these laudable efforts, however, I believe that several important problems are still outstanding. First, although both the House and Senate sponsors of this legislation have stated that their amendment does not sanction religious services or similar activities in the schools, the language itself remains somewhat ambiguous, open to interpretation and, I fear, misinterpretation.

Also unclear in the matter of when the activities authorized by the legislation may take place. In both the House and Senate, colloquy has suggested that these activities are not to take place during the school day, but before and after school only. Again, this meaning may be clear to some legislators, but not to the thousands of school administrators who will be trying to interpret the law and to others who may mean to challenge it.

A third area for disagreement is over that kind of groups may meet. School administrators have traditionally had authority to "maintain order and discipline on school premises," as stated in this bill. But groups that may not be physically violent or disruptive may be clearly antisocial in nature. I—and school administrators—are concerned that groups such as the Ku Klux Klan or the Nazis may for the first time be able to claim access to secondary schools.

Although I strongly support free speech, courts have properly distinguished between audiences of adults and children. I fear that the authority of school administrators to restrict access may be vitiated under this bill.

I am convinced that this legislation will mean enormous problems for school administrators. I know that the sponsors want to be helpful, and would prefer to minimize the meddling of the Federal Government in local school affairs. Nevertheless, I believe this legislation will end up adding to the burdens of school administrators, who already have to contend with Federal case law and State statutes on this subject. We would be better off not adding another layer of Federal law that can only complicate the duties of school administrators.

Rather than clarifying the law, this legislation, with all it ambiguities, is likely to create more litigation. The meaning of every word in this bill will be contested. While I know that is not the intention of the sponsors, nevertheless, I fear that will be the result.

These reservations lead me to once again vote no on equal access, notwithstanding the improvements in this version. While I applaud the efforts of the sponsors in trying to fine-tune their proposal, their inability to resolve these important questions convinces me that this may be an area in which we would do best not to legislate.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Washington.

Mr. BONKER. I would like to respond to a comment made by the gentleman from California.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. KASTENMEIER] has expired.

□ 1130

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, as someone who opposed the earlier version of this bill, I stand here today and say that what we now are offered deserves our support. This bill is distinguished dramatically from the legislation which we were called upon to consider earlier this year.

First of all, it limits activities to before and after school hours, and we do not get into the very gray question of what is noninstructional time. Second, and importantly, it clearly keeps out nonschool personnel. I know there was great concern about who would come into the schools, and who would conduct the meetings. Third, also very important, it clearly allows the school personnel to maintain discipline. There was a great concern for order and the possibility of violence; that is resolved by the language of the bill.

Fourth, finally, and very important, there is no attempt to tie this bill to the cutoff of Federal funds. I was deeply concerned that any form of religious issue would be tied to the potential cutoff of Federal funds. This bill responds to the criticism; it formalizes the current process in most school districts; and it deserves our support.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this motion. The end result of this bill is simply to circumvent the Constitution and reinterpret it in such a manner as would permit so-called religious groups to use school facilities. If the sponsors and those concerned about this issue would simply let the Constitution work, we would be better served by the policy that would flow from it rather than a policy which tries to flow around and compromise the Constitution.

After all, what we are doing with this legislation is mandating that school districts across America must provide the use of their facilities for religious meetings. Congress sitting in Washington is pretending to know better than all the school districts and school boards that are elected to deal

with the activities and policy fundamental to public schools operation. The argument here is not over freedom of religion or diversity; we all believe in that and in fact the free pursuit of these beliefs is a tenet of the Constitution. The argument that we now are coming to grips with is the utilization of locally controlled public school physical facilities.

Congress would be pulling the rug out from under school administrators and school boards across the country with the proposed policy action before this House. That is really what the argument and debate is about. Congress is proposing that local school districts provide facilities, buildings, staffing—the entire framework dedicated for public education, would be stood on its head and devoted to religious use and without reservation to any group of students.

Who has the liability? Well, the public school district, of course, will retain the liability, and we in Washington are shoving this policy down their throats. This proposal mandates that, and if the local school district doesn't follow this policy, the Department of Education must withdraw all Federal aid.

This policy is trying to circumvent, simply, the meaning of the Constitution. This is a rather transparent effort to superimpose our views without qualification, without guidance, or limitations on school boards the use of their physical facilities. Congress will not be present to take the flak when the community descends on the school boards, and indeed they will because as certain as the sun rises in the morning, religious differences in our society and throughout human history have engendered controversy. Certainly that is why the success of the public school system in this Nation has attempted to proscribe a separation from religious activities.

Indeed, this model may not be perfect, but this policy will simply embroil our Nation's public schools in yet another controversy which is not necessary. Clearly, most organized religious groups have physical facilities; is it asking too much that they be utilized.

Some that pursue this policy clearly have a different agenda, that of forcing a specific theological point of view, of engendering controversy, dissension, and acrimony into the educational process of our Nation's public schools. This Congress should not be a sounding board for such purposes and defeat this motion now before the House.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

The SPEAKER. Without objection, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 1 minute.

There was no objection.

Mr. JEFFORDS. Mr. Speaker, I support this bill. First, I am a strong proponent of the constitutional status quo. The Constitution was drafted during a period of extreme religious fervor. The drafters correctly concluded that the Government should not actively work to pick or establish a religion. This has been correctly interpreted to include either direct or official, yet subtle, peer pressure methods.

Yet, the founders were fundamentally religious. There was no intent to discriminate against religious groups in the context we are discussing here today. I was attorney general of Vermont at the end of the 1960's. This was a time when efforts were being made to try to help parochial schools to stay open, to meet rising costs, to the rental of public buildings, et cetera. Thus, I am aware of the maze of confusing and conflicting opinions in this area.

I have studied this bill; it is narrowly drafted. All this bill attempts to do is to give constitutional guidance in this confusing area to prevent essentially reverse discrimination. I urge the Members to support this bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. NIELSON].

The SPEAKER. Without objection, the gentleman from Utah [Mr. NIELSON] is recognized for 1 minute.

There was no objection.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, on every dollar bill are inscribed the words "In God We Trust." Every newly elected President ends his sacred oath of office with the words "so help me God." Schoolchildren learn the Pledge of Allegiance which includes the words "One nation under God." Even our House proceedings begin with a prayer. Religion does prevail in every aspect of our Nation, even in the Federal Government.

Where then lies the separation of church and state? If we as elected officials may pray before our sessions, cannot young men and women hold religious meetings in public schools after the schoolday has ended? If the President, resting his hand on the Bible, may utter the profound words "so help me God," cannot responsible high school students be allowed to study their Bibles on public premises? And ladies and gentlemen, if all American currency is inscribed with the words "In God We Trust," then must we unconstitutionally deny the rights of adolescents to express their beliefs in the same buildings that permit French and photography clubs?

We must strive to keep these facts in mind. Religion and the belief in God helped to shape and mold our great Nation. The proof is in our art, our literature, and in our Government institutions. Must we now, as political descendants of our devoutly religious Founding Fathers, ignore the rights of individuals to religious freedom?

Please, I strongly urge you to vote for the equal assess resolution today. If you may have trouble deciding, reach into your pockets and grab a coin, for on that coin are four simple words which tell the whole story of our proud Nation. Those are the words "In God We Trust." If this Nation truly believes that, then surely in God we Americans do trust.

Mr. NIELSON of Utah. Mr. Speaker, the equal access amendment does not give new or additional rights to anyone or any group. It would merely clarify the situation in which some religious student clubs across the country are being told they cannot meet on the same basis as other student clubs.

Some examples of the problem are as follows:

The county counsel for Los Angeles has concluded that a school district may not allow any group of students to use facilities during the schoolday for the purpose of reading and discussing the Bible.

A Youth for Christ group in Clayton, GA, was told that it could not hold an Easter egg hunt for handicapped children.

Students have been told that they cannot write compositions with religious content in English class.

Students have been told they could not carry their own Bibles on school grounds.

These are but some of the examples of confusion.

Groups supporting the bill include: United States Catholic Conference, National Council of Churches, Americans United for Separation of Church & State, the Baptist Joint Committee on Public Affairs, the Christian Legal Society.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I have always had my children in public schools. I am a total believer in public schools. Let me bring some practical observations to this debate. I want the public schools to focus on basic educational skills. I want my children to be well grounded in math, science, English, history, and foreign languages. There are only so many teaching hours in a day and only so many teaching days in a year.

Every year more good ideas surface to include in the school curriculum than there are hours to accommodate them all. Let's review some of the additions over the years to the public school curriculum. We have added physical fitness, nutrition courses, swimming proficiency, music, art and drama appreciation, first aid informa-

tion, personal hygiene, sex education, vocational education, typing, driver education, cultural programs, patriotism, computers, breakfast programs, lunch programs, drug and alcohol abuse information programs. All of these are great ideas but again there are now more ideas then time. We all know how hard it is for public schools to keep their score up in national tests and part of the reason is they have less and less time to focus on the basics.

Here we have a math and science bill that is so needed but we are trying to shoe horn in even more things into the school day.

I also must remind people that the age group we are talking about is so vulnerable to peer pressure. Being popular is an all powerful goal; as the mother of teenagers I deal with that pressure every day.

My great grandfather came from Ireland. He was a Protestant and couldn't stand the religious stuff in Ireland 1 more minute. He went to Philadelphia planning to settle. He was turned off by the use of public schools in Philadelphia to convert poor Catholic Irish children who couldn't afford parochial school to Protestantism. He felt that was the same situation he was fleeing and moved west. So I was raised to keep religion out of the schools, period. Schools should educate. We should have a moratorium on adding anything to school curriculum until national scores go back up. Taxpayers should get full value for their tax dollars collected for public schools. They pay for education and that's what they should get.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. Mr. Speaker, I am amazed that when the schools have problems with disciplining children, the schools have problems with teaching the three R's, the schools have problems, as Mrs. SCHROEDER said, teaching children, we want to add another burden, to have religion in the schools.

As a parent and grandparent, let me tell you, religion belongs in the home. It is the parents and grandparents who ought to take care of religion.

Mr. EDGAR. Mr. Speaker, will the gentlewoman yield?

Mrs. BURTON of California. I yield to the gentleman.

Mr. EDGAR. I would like to commend the gentlewoman in the well and to say as, not only a Member of Congress, but as a United Methodist minister, and someone who has served 11 years in local churches, I strongly believe that this is the wrong direction for us to go, and that we should defeat this particular bill at this time.

I think that it is unequal access to our schools, and I think our churches and our families and our homes, our synagogues, our pastors, our rabbis ought to take responsibility for the moral teaching of our children. We ought to go back to the schools with a strong commitment toward education. I hope that we will reject this amendment.

Mrs. BURTON of California. I urge defeat of the bill.

Mr. GOODLING. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. COATS].

The SPEAKER. Without objection, the gentleman from Indiana [Mr. COATS] is recognized for 30 seconds.

There was no objection.

Mr. COATS. Mr. Speaker, Members were handed a handout as they entered the floor quoting the New York Times editorial against this bill. It says the proponents of this say they are putting God in the classroom, but atheists too, would have their hour. So would socialists, homosexuals, and vegetarians. That is the issue. Socialists, homosexuals, and vegetarians already have their hour under the court interpretation. We are simply trying to add the right of students after hours to meet for religious purposes as these others have the right.

If they cannot meet, religious people cannot meet. If they can, they ought to be able to do it. It is a matter of equity and fairness and I urge support for the bill.

□ 1140

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Mr. Speaker and my colleagues, I voted against the original equal access bill for several reasons.

First, it required a cutoff of Federal funds for any school district that violated the act. It is important to know this bill does not do that.

The objectionable bill protected only the freedom of religious speech. This bill does not do that. It applies to all forms of speech.

The original bill allowed a gathering for religious purposes during the school day. This bill does not do that. It does not allow interruption of the schoolday.

The early bill allowed outsiders to direct the religious meetings. This bill does not.

Finally, the bill which I voted against and which was defeated provided no control to the school administrators to determine time, place or manner of the religious meeting. This bill does not do that.

This equal access legislation is an appropriate attempt to place parameters, with a minimum of interference by the State, around the right of students to discuss religion while on public school property.

I urge my colleagues to support this legislation.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, serving in this body has taught me the efficacy of prayer and to respect it even more. I would support this piece of legislation save for one thing. It opens it up to so-called philosophical discussions.

In a major urban area some years ago there was a group that conducted philosophical discussions and they used young people to proselytize those philosophical discussions. The result of those philosophical discussions happened to be the celebrated Zebra murder cases in which some 13 or 14 people were killed because of the indoctrination that they had received in terms of these philosophical discussions.

Insofar as I can determine, there is nothing in this legislation to have prevented one of those young people who were so indoctrinated to request of a school to have a meeting to conduct the campaign of hatred that resulted in the Zebra killings.

In addition to that, if a school personel is there to supervise and "the students" are denied the right to discuss their kind of philosophical orientation, those students then have the right to say, "You are denying me freedom of speech."

I would go along with the bill except for that wide-open area of philosophical discussion. Let us defeat it.

Mr. SCHUMER. Mr. Speaker, I only have three more speakers left. I believe the gentleman from Kentucky has many more.

The Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding this time to me.

Mr. Speaker and my colleagues, first we had a bad bill. Now we have a better bill. But the best bill is no bill at all.

Will someone tell me how we improve the education of our children by this bill? If we allow the Moonies into school, if we allow the Ku Klux Klan into school, if we allow a Nazi club into school, if we let fanatics into the school in the name of religion, how does this improve the education of your children and mine?

My good friend, the gentleman from Massachusetts [Mr. FRANK] says this bill is good because it will not make infants of our children. I am a mother of two teenage children and they are far from infants. They already have to deal with many, many choices and many responsibilities.

So I say to my colleagues, let kids be kids. Let schools be schools. Let churches and synagogues teach prayer. That is where it belongs. It does not belong in our schools. Let us look at the Constitution and let us let it stand strong, and let us let our Founding Fathers rest in peace.

Mr. PERKINS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, let us not get this bill all mixed up with the education of our young children, because what this bill does is allow access to basically a community facility. We passed a Community Facility Schools Act at one point to open up the schools after school and before school to all kinds of organizations.

I want to see programs for latch-key children after school. Other people want to see the YWCA, the YMCA, religious organizations. We are not talking about interfering here. That is the difference between this bill and the past bill. We are talking about before school and after school.

Probably one of the tragic effects of this bill will be that school boards will decide that nobody will use these facilities, but the fact of the matter is, as the bill is now designed, it is not to engage, interrupt, or determine the educational portion of the day under control by the school board.

The SPEAKER. The gentleman from Pennsylvania [Mr. GOODLING] has 2 minutes remaining.

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania [Mr. GOODLING] now has 3 minutes remaining.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Kentucky for yielding me this additional time.

Mrs. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Equal Access Act.

Mr. Speaker, as a cosponsor of the original House version of the equal access bill, I'm glad we have the opportunity again today to consider the rights of students to voluntary participate in extracurricular religious activity. And I'm heartened by the support which is being expressed for the Senate language. Like the House bill the Senate amendment requires that meetings be voluntary and student initiated, not sponsored by the school. It extends to students interested in religious study or activities the same privileges accorded to those interested in debate, for example. Supporters of this legislation seek an opportunity for any and all religions and in no way attempt to deny any religious group access to school facilities. The Senate amendment clarifies this intent by specifying that small groups of students cannot be discriminated, that all groups should have the same privileges of meeting voluntarily.

I am hopeful that our efforts today will be successful and that the House will approve the Senate language on equal access.

Mr. GOODLING. Mr. Speaker, let me quickly respond to some of the comments that were made, since most were emotional and not very factual.

First of all, to assure the gentleman from Maryland [Mr. MITCHELL] that that cannot happen in his school, "Nothing in this act shall be construed to limit the authority of the school, its agents or employees to maintain order and discipline on school premises to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary," which will take all the hate groups out. They are not allowed to participate under this act.

This bill does not reverse a tradition in this great country. It continues a great tradition, and that tradition protects all types of speech. It does not reverse a tradition. It continues a tradition of allowing students to organize and run activities in public schools. One of the areas that students truly need more experience in is in the area of free speech, this bill facilitates giving that experience.

This bill is to help local administrators by clarifying some of the conflicting lower court decisions. As has been mentioned, Harvard law professor Lawrence Tribe pointed out that only religious speech has sometimes been singled out for undue restrictions. This bill corrects that abuse.

There are some who say the bill makes school administrators decide what is religion. That is totally wrong. This bill does not create such entanglement with religion. This bill applies to all noncurricula meetings, regardless of whether religious or not. So there is no entanglement with religion because school administrators will make their decisions governing such meetings for all noncurricula-related activities and meetings, religious or otherwise.

So I would hope, Mr. Speaker, that we will eliminate all the emotion that has been thrown into something that is really not an emotional issue. If we carefully study the legislation, it is carefully crafted to make sure that each youngster has equal access to freedom of speech. I cannot think of any group, any organization, more than the Congress of the United States that should be concerned with the fact that we allow equal speech, equal opportunity for speech, in this great Nation. That is what it is all about.

This bill, some critic here today said, licenses religious services in public high schools for the first time. That is totally false. The bill only provides equal access to all groups, not special treatment for religion. The bill only applies if the school voluntarily creates a limited open forum. Everything is left to the local option. Everything is left to the local administrators and the local school board.

So I ask my colleagues to support this legislation.

□ 1150

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, will the gentleman kindly tell me whether the student groups that may have this access are limited to the students of the particular school, or may students come in from other schools?

Mr. GOODLING. It is very definitely limited to the students in the school. The administration determines that. They do not allow students to come in from other schools.

Mr. PEPPER. The language of the legislation does not say that.

Mr. GOODLING. I am sorry. I did not hear the gentleman.

Mr. PEPPER. The language of the legislation does not say that.

Mr. GOODLING. The language of the legislation says that all these decisions are local school board decisions. I do not know of any board that says that anybody who wants to come in from all over the world can just come in. We do not do that. We say that the local school district makes that decision and that determination, and that is protected.

If we had had the time, for a further colloquy, Mr. BONKER was going to ask me the following question: One of the terms in the equal access amendment which needs clarification is "noncurriculum-related student groups," which would trigger the equal access policy of this legislation. I would like to ask the gentleman from Pennsylvania [Mr. GOODLING], as a former teacher and school administrator and principal cosponsor of the legislation how he would define "noncurriculum-related student groups" for purposes of this measure.

In answer to that question, I would say as follows: I would interpret "noncurriculum related" to encompass those student activities which are either of a type which schools usually do not sponsor or those activities which the school might sponsor but has not. Thus, there would be a two-step inquiry to determine whether a meeting is noncurriculum related.

First, is the subject matter of the meeting of a type which a public school could sponsor? In other words, the meeting must be academic, athletic, or musical to be curriculum related. A Latin club, a soccer team, and a school band would all clearly fall within this category. A young Democrat or Republican Club, private social organizations, or religious groups would not be of the type which a school could sponsor.

Second, does the school or a schoolteacher require or directly encourage student participation in such group in connection with curriculum course work?

If both elements of this two-part analysis are satisified, the meeting would be considered curriculum related and the equal access policy would not be triggered.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I am delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, today we have before us legislation which has come to be known as the Equal Access Act. I am certain that the authors and supporters of this legislation are well-meaning and have at heart, as I do, the interests of our children and their religious formation. However, I am fearful that in attempting to give equal access to religious groups, we would be allowing an open forum for self-styled religions such as the cults which serve to transform negatively the minds of our young people. Many of these groups are known to practice mind control and practices aimed at converting the very young and impressionable. Is this what we want for our children?

Mr. Speaker, I must point out that I take great offense at the consideration of this legislation under suspension thereby denying the Members of this body the opportunity of amending the language of the bill. This is the second time that this Chamber has considered the issue of equal access under suspension.

Supporters of this legislation state that the revised version of the bill will provide access to school facilities before and after school. The legislation permits use of school buildings during noninstructional hours which I interpret to mean nonclass periods. This does not limit these relgious meetings to before and after school but to periods when actual instruction is not taking place.

Also, the bill misleads us to believe that religious groups will not have the rights equal to those now given to other nonreligious groups. This is not the case. The bill gives preferred status of religious groups.

The number of issues in the legislation which are unclear goes on and on. I would, however, like to focus my attention on the one concern which I find to be the most distressing.

As I mentioned before, it is my contention that in passing this legislation we would be providing an open forum for self-styled religions as well. I don't think any one of us wants to be held accountable for the infiltration of so-called religious cults into our schools. It was only 6 short years ago that we, as Members of Congress, experienced firsthand what the infiltration of cults can do to a family. Have we already forgotten the devastation that the so-called Rev. Jim Jones brought to the Ryan family and to the Members of this body?

Those of us who concern ourselves with the elimination of child abuse and child pornography and the pernicious mind control cults are aware that there are cults in existence today that use the name of God in their titles and at the same time are notorious for the distribution of pornographic literature. These same "religions" are guilty of urging their female converts to prostitute themselves to encourage young male converts. Is this what we want for our children?

Let's take a closer look at this legislation before we cast our votes. There are appropriate forums for our children to learn about religion—to give a blanket invitation to anyone to preach anything to our youth—particularly during the formative teen and preteen years is unconscionable. I urge my colleages to vote "no" on this legislation.

Mr. ACKERMAN. Mr. Speaker, first we had the school prayer amendment. When those who would destroy the wall between church and state found they could not blatantly force organized prayer into the classroom, we thought the measure had died. But it was born again in the equal access bill known as the son of school prayer.

That effort, too, died, but it was reincarnated with this new, supposedly softer measure, a sort of "godson of school prayer." But to paraphrase the words of the very perceptive child who refused to eat his sugar-coated vegetables, this bill looks like school prayer, it tastes like school prayer, and it smells like school prayer.

To those of my colleagues who see this bill as a way to infuse morality into the public schools, they are missing the point of my opposition to this very dangerous legislation. God does not need a two-thirds vote of this Congress to go into our schools. It has lately become politically very chic to flaunt one's religion. Everyone from Jesse Jackson to Ronald Reagan speaks of bringing Christian values and traditions to Government. As a Member of Congress who is not a Christian but who is nonetheless very proud of his religion, this troubles me. As a person whose grandparents and ancestors were persecuted throughout recorded history because their religious beliefs did not jibe with the mainstream, this trend frightens me. As a citizen of the greatest country in the world that was founded by the religious rejects of every country on this planet, the flotsam and jetsam that was not accepted anywhere because they were religious minorities, this trend greatly troubles me.

This is not some knee jerk, archtypical liberal cause that I plead. This Member of Congress is deeply troubled by this movement in American society to shove religion down the throats of everyone, true believers and infidels alike.

A scant few days ago we as a body declared that we no longer trust 18- and 19-year-olds or even 20-year-olds to exercise a rational and careful judgment not to drive after they drink. The peer pressure would be too strong, we said. Yet today we are on the verge of declaring that young children, some as young as 11 and 12 and 13 years, in our junior high schools have the courage and the wisdom and the maturity to stand up to the peer pressure that would be exerted on them to practice and participate in the religious beliefs of their friends in their own public school building.

Is that the type of people we have become—one Nation under God, as long as it is my God and not yours? I pray not.

Mr. Speaker, if I may, for the record I would like to engage the gentleman from Washington [Mr. BONKER], the sponsor of the legislation, in a colloquy.

I understand the gentleman is not here at the moment, so may I ask the committee chairman if I could engage him in a colloquy?

Mr. PERKINS. Yes, of course, if the gentleman will yield.

Mr. ACKERMAN. I thank the gentleman.

Mr. Speaker, section (d) (1) and (2) says that:

> Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof to influence the form or content of any prayer or other religious activity;
>
> (2) to require any person to participate in prayer or other religious activity;

Does this not presume that we are then allowing prayer and religious activity in the schools?

Mr. PERKINS. The gentleman was talking yesterday so long about religious services that I intended to ask the gentleman what his idea was of religious services. But by no means does this coerce. Everything is voluntary.

Mr. ACKERMAN. But this would permit religious services in the schools?

Mr. PERKINS. What is the gentleman's definition of "religious services?"

Mr. ACKERMAN. Something that should take place in a religious institution.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. Yes, I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, would the gentleman consider, if two or three students gathered together for the purpose of sharing Bible verses, that that constitutes a religious service in his definition?

Mr. ACKERMAN. If they wanted to have a discussion for educational purposes, it does not. There is a difference between preaching and teaching.

Mr. BONKER. I am asking the gentleman, if two or three students get together for the purpose of praying together or to share Bible verses, does he consider that a religious service?

Mr. ACKERMAN. If they are conducting an actual prayer service, yes. If they are reading the Bible or discussing the Bible, then I do not.

Mr. PERKINS. Well, does the gentleman consider that when the Chaplain is reciting a prayer at the beginning of the session of Congress, that is a religious service?

The SPEAKER. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

Mr. ACKERMAN. Mr. Speaker, may I ask for an additional minute?

The SPEAKER. Does the gentleman from Kentucky [Mr. PERKINS] desire to yield time to the gentleman from New York [Mr. ACKERMAN]?

Mr. PERKINS. I do not have the time, Mr. Speaker.

The SPEAKER. The gentleman does have time.

Mr. ACKERMAN. Mr. Speaker, I urge all of my colleagues, in the interest of fairness and justice and what the American Constitution really stands for, to defeat this bill.

The SPEAKER. The Chair will state that the gentleman from Kentucky [Mr. PERKINS] has 7½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 4 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has no time remaining.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I supported Mr. BONKER's equal access bill when it was considered by this House on May 15, and I rise in even stronger support of the improved equal access provisions we have before us today as title VIII of H.R. 1310, the important Mathematics and Science Education Act.

We in Congress took an oath to uphold the Constitution, and with this bill we are simply saying to the students in our secondary public schools that, yes, you have a constitutional right to freely speak your thoughts on religion, just as you voice your thoughts on politics, civic responsibilities, the recent football game, next week's dance, or other currently popular subjects. I cannot understand how opponents of equal access can argue that it is permissible for a school to allow a chess club to meet in a classroom after the schoolday and deny that right to students wanting to study the Bible.

When this body first debated the principle of equal access nearly 2 months ago, opponents focused their objections and criticism on what they considered to be loopholes in the language of the Bonker's bill—loopholes that they thought elevated religious speech above all other forms of speech by cloaking religion, and religion alone, in the protective mantle of Federal fund termination—loopholes they thought would result in discrimination against religious minorities because the bill allowed minimum attendance levels to be set before a group qualified for equal access—loopholes they thought would allow crazies and fanatics into the schools to convert our sons and daughters—loopholes they thought would allow the normal schoolday to be disrupted with club meetings and activities—and loopholes they thought would end local control of the public schools.

So, what are the arguments against the equal access provisions before us today? The objections and criticism of the original bill, H.R. 5345, have been met and this bill now deserves the support of the entire House.

The Senate version of equal access actually only resembles the original House bill in principle and intent to make it unlawful for a high school receiving Federal funds to deny use of its facilities to any extracurricular group while granting such access to other extracurricular groups.

We have before us a bill that no longer can be charged with giving special preference to religious speech, for it applies to "religious, political, philosophical, or other speech." And there are no provisions for terminating Federal financial assistance to any schools.

This improved equal access language places no minimum limit on the size of student groups ensured equal access; it specifies that outsiders may not "direct, conduct, control, or regularly attend activities of student groups"; and it applies only to groups meeting before or after school.

And most importantly, we are voting on an equal access bill that will preserve local control. School principals and administrators and local school boards will retain their right to "maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meeting is voluntary."

There is clearly overwhelming support in my district for this constitutionally sound and evenhanded means of protecting the first amendment rights of students. I have no doubts that nationwide there is the same degree of support, and I urge my colleagues to listen to their constituents, to put aside the emotional and incorrect arguments that this is a school prayer bill, and to join me in supporting the principle of equal access. Vote yes on accepting title VIII of H.R. 1310, vote yes to approve titles I through VII to improve math and science education, and let's get this important education bill to the President's desk.

Thank you.

Mr. PENNY. Mr. Speaker, I would ask, what is wrong with the equal access proposal? Nothing. Equal access simply means that if other student groups are allowed access to public school buildings, then so must we allow that access to student religious groups.

Equal access protects our constitutional freedoms of speech and religion. What, then, is wrong with this specific equal access proposal? Again, nothing.

All of the objections and criticisms that were leveled against the equal access bill brought to the House floor a few weeks back have been resolved by the current version before us today.

Mr. Speaker, I urge my colleagues to vote for equal access. It is a vote for our constitutional freedoms.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the equal access substitute to H.R. 5345, which would allow public secondary school students the simple freedom to meet and express their faith on school premises, outside of school hours.

Equal access legislation will protect the first amendment rights of student groups and restore fairness in our public schools. Our Nation's students should be permitted to meet voluntarily for religious expression in the same way that they are currently allowed to meet for other purposes.

Not only is equal access legislation a question of fundamental fairness, but it is a matter of upholding the basic human liberties guaranteed by our Constitution. Freedom of speech, freedom of religion, freedom of assembly are rights which must be preserved. These are the ideals on which our great Nation was founded and which are the unique trademark of our free society.

Let us not forget for a moment how vital to our Nation freedom of expression is and this includes freedom of religious expression as well.

As it stands now, the rights of our students are being flagrantly violated. Examples abound: In Boulder, CO, a group of two or more students may not sit together for the purpose of spiritual or religious discussion. In Philadelphia, several students were reprimanded because they discussed their faith and shared a booklet with Bible verses in it with other students. In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head to pray before her meal.

These violations of student rights must be stopped. Examples such as these are un-American and more akin to an authoritarian system rather than a free society such as ours.

Our students should not grow up learning religious intolerance. To exclude or prohibit one form of expression over another is unconstitutional and unworthy of our public institutions. American students must be taught tolerance and respect for other beliefs and opinions. This is as important a part of their education as is grammar and arithmetic.

Equal access legislation will ensure that free speech is protected, not just selected free speech. I urge my colleagues to uphold our Nation's basic human liberties and vote for passage of the equal access substitute.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I am pleased to rise in strong support of the equal access legislation which we are today considering. We have here yet another opportunity to make a significant stride toward protecting the religious freedoms of our secondary school students. If we fail to pass this legislation, we will have again neglected our responsibility to ensure our students' constitutionally guaranteed right to freedom of speech.

I am deeply concerned that the right to express religious beliefs has been totally removed from our public schools over the years. I am equally distressed that mature, young adults in my congressional district of Kentucky are unable to participate in certain extracurricular activities solely because school administrators may fear that those meetings violate our constitutional doctrine of separation of church and state. Equal access, however, is not an issue of Government-sponsored religion. The issue at hand is nondiscrimination, and the equal access concept resolves that issue. This equal access legislation simply ensures that schools which permit student-initiated groups to meet and use school facilities during noninstructional periods cannot deny student-initiated religious groups the right to meet on the same basis.

We are not talking about granting special treatment to religious groups; we are not talking about allowing schools to sponsor religious activities; and we certainly are not talking about imposing upon our school systems by requiring that they allow any extracurricular activities at all. We are stating the clear intent of our Founding Fathers by clarifying what is already in our Constitution—the right to freely express religious beliefs in an open, non-Government-sponsored forum.

So far, our courts have been unable to allay the fears of local school boards with regard to the constitutionality of religious meetings in our schools. By enacting this legislation, we are once and for all letting our schools know that they can grant the same treatment to the Bible club that they have long afforded all other student organized groups.

Mr. Speaker, our Nation has long awaited this kind of action by the Congress. The vast majority of Americans recognize the importance of religion in all our daily lives. Our children are taught from early on that they enjoy the freedoms of speech and religious expression. Yet over the years that lesson has been contradicted by court decisions which have served to undermine free religious expression in the name of preserving constitutional liberties.

The only way we can fully preserve and protect the constitutional freedoms which are so vital to the well-being of our children is to ensure that our constitutional doctrines are construed in ways which will not discourage the expression of religious beliefs.

Mr. Speaker, the equal access legislation before us does not alter our Constitution; it carries on the traditions of free expression which are intrinsic to that document, and so very important for the proper development of our youth.

Many of the people of my Fifth District of Kentucky have let me know that they want equal access to our public schools. The preservation of the values they hold so dearly—family, faith, morality—depend on our commitment to guarantee freedom of religious expression for our children. This equal access legislation will carry out that commitment, and I strongly urge its passage on behalf of the rights of all our children.

Mr. ECKART. Mr. Speaker, I say to the Members of the House that this issue is the most serious student free speech initiative to come before this Congress in many years. By extending the equal access principle to meet the serious and well-taken objections of the opponents the first time around, we have extended to all voluntary student groups, political, philosophical, and other nonreligious groups in their orientation, the free-speech opportunity for young adults, people who we all hope to see mature and to become viable parts of our society.

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As much as the three "R's" are part of growing up in our society, so is the appreciation of divergent viewpoints in our society as well, and to raise the artificial bogeyman about what schools are capable or incapable of doing today by further excluding the free and open discussion of alternative views in our society hampers a real true diverse education.

We need freedom. We need diversity. We need an opportunity for our young people to grow and appreciate every educational opportunity. This legislation will grant that.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. NELSON].

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Florida. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this legislation.

I certainly strongly support this equal access bill.

We let other groups be invited on the public school grounds and talk about any subject they like. Yet those who want to come on the grounds to talk about religion during noninstructional hours are handicapped and encouraged not to come on the premises because it could be violating the no prayer in public schools Supreme Court ruling.

I hope my colleagues would support this bill and not punish those who would like to have religious discussions at noninstructional times. The great majority of the people of this country want this legislation and let's let them have their wish.

Mr. NELSON of Florida. Mr. Speaker, I yield to my friend, the gentleman from the State of Washington.

Mr. BONKER. Mr. GOODLING was going to ask the following question:

One of the things I have been concerned about is the right of student groups to meet during the schoolday as part of an activities period. Many schools currently permit student-initiated, noncurriculum-related groups to meet during the schoolday—whether these groups are religious, political, philosophical, or affiliated with some outside group like the Key Club or the Hi-Y. It is certainly not my intention, in cosponsoring this substitute, to prohibit such groups from meeting during the schoolday if it is the policy of the school to permit noncurriculum-related student meetings during noninstructional time.

My interpretation of the legislation is that the equal access policy is required before and after the schoolday, but not during the schoolday—that it is up to the school and the courts to determine what activities may take place during the schoolday in terms of student meetings. Is that correct?

My answer to this question is as follows:

That is exactly right. The Senate compromise on this point is that the measure is silent with respect to student meetings during the schoolday. It is within the discretion of the school administration, in keeping with district and circuit court opinions, as to whether noncurriculum related student groups may meet in noninstructional time during the schoolday.

It is also up to the school to define the regular "school day" and what constitutes "noninstructional time," so long as the school does not define "school day" in such a way as to intentionally defeat the purpose of this legislation.

This legislation is not a step backward in terms of the local school district's authority to permit student groups to meet during the schoolday. It would merely mandate that before and after school, the equal access policy would be required.

For example, in your State of Pennsylvania, a U.S. district recently ruled, in the Bender against Williamsport case, that a school may not deny equal access to a student Bible club which wishes to meet during an activities period on the same terms as other student groups. In that district, the school would have the choice of granting all legitimate student groups the right to meet during the activities period, or the school could do away with the activities period for noncurriculum-related student groups.

Mr. NELSON of Florida. Mr. Speaker, the confusion in the debate illustrates the confusion as to what is a religious service and what is not.

The issues that have been raised in this debate as to what is a religious service and what is not, what is a prayer service and what is not, underscores the confusion that has arisen out of the Supreme Court decision of 22 years ago. The Supreme Court said that there is a constitutional right to separation of church and state, but the Supreme Court did not say that there should be the separation of the state and of God. That is an inherent part of our constitutional right of religious freedom.

We ought to then by passing this legislation eliminate the confusion among school administrators, eliminate the hostility that in an unwarranted way has built up over the last 22 years, hostility between government and religion, and let us return to our constitutional rights.

Mr. PERKINS. Mr. Speaker, can the gentleman from New York [Mr. SCHUMER] consume part of his time at this time?

The SPEAKER. The gentleman from Kentucky [Mr. PERKINS] has 4½ minutes remaining; and the gentleman from New York [Mr. SCHUMER] has 4 minutes remaining. The Chair will reserve as much time as the gentleman wants to be the concluding speaker.

Mr. SCHUMER. Mr. Speaker, I appreciate the kind offer of the chairman of the committee, the gentleman from Kentucky, and I yield 1 minute to the distinguished gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, I am not opposed to prayer in schools, but I do not understand what this bill does. This bill says:

> (b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

What does that mean?

I do not understand why the proponents of this measure do not simply say that any time any students of a particular school get authority from the school people in authority to have a meeting at a certain place on the school grounds and talk about any religious subject they want to, that they are permitted to do so.

Then there would be no students outside of that school, students from perhaps across the Nation, perhaps they are talking about any school that has an open forum. Well, I did not think schools generally had open forums. So there will be a disappointment on the part of a lot of people that expect they are going to get prayer from this bill who will not get it.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] has 3 minutes remaining.

Mr. SCHUMER. Mr. Speaker, I yield my remaining time to the gentleman from New York [Mr. FISH], a distinguished member of the committee.

Mr. FISH. Mr. Speaker, a few short months ago I spoke on the floor about my concerns over the equal access bill as passed by our Education and Labor Committee. Acknowledging the laudable intentions of the sponsors, I spoke against it on content, and on procedure.

At that time I brought up the fact that 6 months prior I was on the floor in opposition to a proposed constitutional amendment that was brought to the floor under suspension. Abuse of the suspension calendar was not to stop there. Since that date we have seen a major bill reauthorizing a vital and popular program, Head Start, but which also included unnecessary and expensive reauthorization of other programs, come up under suspension. There was some talk of bringing up the Civil Rights Act of 1984 under suspension, until sanity prevailed and the major sponsors of the bill recognized the necessity of full and open debate and opportunity for amendment. Certainly the potential implications of this legislation are no less weighty than those of the Civil Rights Act. The difference is on civil rights we had 2 days of consideration, several amendments offered, along with detailed and considered legislative history.

Mr. Speaker, are we afraid of full and open debate? Of the opportunity to amend our language? Are we afraid that we might possibly improve the bills before us, or are we afraid that if we took the time to carefully look at some of these bills, they might not stand the close scrutiny?

A few short months ago H.R. 5345, the House version of the Equal Access Act was before us. I spoke about my concerns over this bill. I was prepared to debate the merits of the bill.

I am ashamed to say that we cannot fully debate the merits today. At 6 o'clock yesterday evening, the decision to bring this bill to the floor was made. This bill's language was passed by the Senate on June 27, 2 days before we recessed. Now on our second day back, we have this bill before us. I wonder how many of my colleagues have had their staff read the almost 40 pages of Senate debate in the CONGRESSIONAL RECORD? How many of us know what this language means? Even the House and Senate sponsors don't.

We have no clear answer whether religious ceremonies and school prayer are permitted. We have no clear answer whether such activities are prohibited. We have no clear definition of religious speech. The record shows the sponsors disagree. The debate today shows these disagreements continue. The confusion is real.

Just as the sponsors are confused over the interpretation of the equal access bill, they have created a great

deal of consternation and confusion over the procedure for consideration of the bill. A "Dear Colleague" letter dated July 24 asked for Republican Members' support for the bill under Calendar Wednesday, allowing 2 hours of general debate and opportunity for amendment. This morning, we received a "Dear Colleague" addressed to all Members urging support of the legislation under suspension of the rules, so that the time-consuming Calendar Wednesday procedure may be avoided. The obvious question is, Why were amendments touted yesterday and today we are being asked to expedite the process? I think the answer is the sponsors of the bill are not on a firm, substantive, or procedural grounds. And what are the substantive issues?

Have the various House committees with jurisdiction over this bill held hearings on this language? No.

Mr. Speaker, does the House have a committee report on this language detailing the various ramifications of this bill? No.

Are we abdicating our responsibilities as legislators by rushing through such an important piece of legislation without thought to its consequences? Yes.

Mr. Speaker, once again we are being asked to abrogate our responsibility to our constituents and to the Constitution of the United States, by acquiescing without murmur to the ramrodding of legislation through this House.

Whether or not you agree with the intent of the equal access bill, I am sure you will agree that our duties as Members of Congress require that we do not legislate in a vacuum. Full and open debate should be the rule, not the exception. We are here to legislate, not to placate. I urge my colleagues to consider the consequences of our actions today. I urge a no vote.

Mr. HYDE. Mr. Speaker, would the gentleman yield?

Mr. FISH. Of course, I yield to my colleague.

Mr. HYDE. Mr. Speaker, I agree with my friend that it is a shame that important issues have to be debated in a pressure cooker under stringent time limitations, but there is a difference between forcing this legislation out under these conditions or not getting it on the floor at all. This may provide the only opportunity available. You either forget this legislation or you get it under these very limited difficult circumstances.

Now, ERA was debated because the Speaker chose to bring it to the floor under these circumstances, but the choice here is either vote on it with the limited time available, or do not get a chance to vote on it at all.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I will be happy to yield to my friend, the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, the gentleman would be pleased to realize that if he is really interested in fully debating this, all he has to do is convince a few of his colleagues to vote no and this will be brought up on Calendar Wednesday.

Mr. HYDE. We are told the Speaker does not want to bring it up under Calendar Wednesday.

Mr. ACKERMAN. It is the prerogative of the chairmen of the various committees to bring it up on Calendar Wednesday, and while I cannot give the gentleman assurance for any chairman, I would be willing to bet this would be provided for on Calendar Wednesday.

Mr. HYDE. Providing nobody brings anything else up, or seeks to delay consideration by a maneuver such as the large amount of amendments you have filed.

Mr. FISH. Mr. Speaker, may I reclaim my time?

The SPEAKER. The time of the gentleman has expired. There are 4 minutes remaining to the gentleman from Kentucky [Mr. PERKINS], and the gentleman from Kentucky is recognized.

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

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

Mr. PACKARD. Mr. Speaker, I rise in strong support of the equal access provisions of H.R. 1310 as amended by the other body. While I would have preferred to see us consider again the House equal access bill, I believe that the version before us accomplishes the most important goals that we have been pursuing.

Those of us who have long supported equal access have been primarily concerned about the protection of the free speech rights of voluntary, nonschool sponsored, high school student groups as well as the preservation of the integrity of the Constitution in regard to separation of church and State. The measure before us achieves both parts of this goal.

This legislation does not represent an establishment of religion or interfere with the free exercise of religion. No student will be coerced to join any particular religious group. All we are trying to do is ensure that a group of high school students who wish to meet in school to discuss religious matters may do so during noninstructional time.

I urge my colleagues to vote in favor of this important measure.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

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

Mr. EMERSON. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, after years of "officially sanctioned" discrimination against student religious groups, it is time that this Congress send a message to the Nation's young people that it is all right for them to practice their religious beliefs.

Our courts have been so aggressive in recent years in their efforts to keep religion out of our public schools that we have now reached a point at which school administrators, teachers, and students are understandably skittish about allowing any vestige of religious expression on school property. As a result, in many of our schools, virtually the only organizations that cannot use school facilities for meetings or other activities are those of a religious nature.

Indeed, political clubs, chess clubs, athletic clubs, and many others are often allowed to use school facilities with no hesitation; however, if the same students voluntarily organize a Bible club, they may find their schools' doors closed to them.

Mr. Speaker, this is absurd. While Government does have an obligation to prevent any kind of state-sponsored or mandatory religious activity in our schools, it does not have the right to discriminate against students who wish to meet to discuss religion instead of chess or politics.

Granting equal access does not mean placing religion in our schools, it simply means placing equity in our schools. We are not talking about teaching religion; we are talking about respecting religious rights. And we are not mandating policies for schools and communities; we are simply allowing them to use their own judgment without fearing ridiculous lawsuits.

Equal access will go a long way toward ending the official hostility that has come to dominate the Government's attitude toward the free and voluntary practice of religious beliefs. By merely stating that a school with a policy of allowing student-organized clubs to meet and use school facilities must grant the same privilege to student-organized religious clubs, this legislation will move us in the direction of Government neutrality toward religion—which the Founding Fathers intended, and away from the discrimination against religion that they so diligently worked to prevent.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am one of those who voted against the original bill, but as I understand it almost every objection has been met in this bill that most of us had to the original bill and that there is really no longer similarity between this bill and the original bill.

For example, this bill forbids the cutoff of Federal funds to a school district or State as a penalty for a violation. The school will have complete control during school hours over their meetings and it is only after school hours they can either deny a group the right to meet, but, if they deny or grant a right to meet to any group of students, they must treat all the same, is that right?

Mr. PERKINS. That is correct.

Mr. DARDEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Speaker, I rise today to add my support to the equal access bill. This legislation is strongly supported by a majority of the residents of the Seventh District of Georgia, just as it was supported by a majority of the Members of this House when it was considered earlier this year. Although it did not pass at that time, I voted for it then and I will vote for it again today. I hope that the House will accept what I believe to be the will of a majority of the American people and pass this bill.

It is unfortunate that a great deal of confusion and controversy has entered the debate over equal access legislation. I would like to remind my colleagues that this is a bipartisan bill with broad support from many important religious and nonreligious groups. Although the issue of equal access is a relatively simple and straightforward issue, it is based on important constitutional principles.

The issue is whether or not religious groups should have the same access to public school facilities that many secular groups have. Several Federal court rulings have given conflicting answers to this question and have caused a great deal of confusion for public school authorities over what their policies should be. As a result, many school districts are permitting the use of school facilities for nonreligious activities, but denying such use for religious activities. This is fundamentally unfair and may even be unconstitutional. While I am generally opposed to Federal intervention in local affairs, this problem was created by Federal court rulings, and I believe that action by Congress is necessary to clarify and correct the situation.

The purpose of the equal access bill is simply to end the discrimination against religious groups that has taken place in some areas and to give voluntary student-initiated groups the same right to use secondary school facilities for extracurricular meetings as other student-initiated groups. This legislation would allow voluntary meetings to be judged on an equal basis without discrimination.

The bill carefully and adequately maintains the separation of church and state by prohibiting any official sponsorship or involvement in student religious activity, and by prohibiting any outside groups from initiating, organizing, or controlling student religious meetings. It retains local school board control over school activities by allowing local officials to decide whether, when, and how all groups may use school facilities without a religious distinction.

Mr. Speaker, the first amendment to the Constitution says that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.

An eminent constitutional scholar, Prof. Lawrence Tribe, has said that:

> For public school authorities, or the local or state agencies responsible for public school policies and practices, to discriminate on the basis of the religious content of the speech at such meetings would constitute a violation of the right of free speech and free exercise of religion of the students involved.

I agree with Professor Tribe, and I support the equal access bill because it will restore, protect, and expand religious freedom and the right to free speech. It also ends discrimination, protects minority group rights, and ensures government neutrality by prohibiting the State from either promoting or prohibiting religious activity.

In his Farewell Address, President George Washington said that:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.

I strongly agree with this statement, and while I do not think that Government should promote religious activity, the equal access bill does neither. It simply restores fairness and equality of treatment for all groups. Therefore, Mr. Speaker, I urge my fellow Members of the House of Representatives to vote for this bill.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I rise in support of the equal access legislation we are considering today, and urge my colleagues to join me. The Senate has already approved this legislation, which is a substantial improvement over an earlier Equal Access Act debated in this Chamber. I did not support the earlier Equal Access Act. I support this amendment because I feel it addresses a problem that is very real to many Americans. Many local school boards and school administrators have misinterpreted the Supreme Court decisions handed down over the past 35 years with respect to religion in the public schools. The boundaries of activities that can and cannot take place on school grounds need to be defined more carefully so the constitutional rights of students can be protected properly. Instances have been reported in which students were prohibited from carrying Bibles, from praying in lunchrooms, and even from discussing religion while in a school parking lot. Such prohibitions clearly violate existing law. I hope that enactment of the equal access legislation we are considering here today will prevent such abuses in the future.

The earlier version of the Equal Access Act provided that school districts would lose Federal funds if they refused to give student-initiated religious groups the same right to meet during noninstructional periods as nonreligious student groups. I thought the loss of Federal funds was an unfair penalty. The amendment we are considering today explicitly prohibits the withholding of Federal funds as punishment for failing to allow equal access.

In addition, I could not support the earlier version of the Equal Access Act because I felt that its provisions contained tremendous potential for abuse. That bill did not require that student-initiated religious meetings be held before or after the schoolday. I believe that the Senate debate on this amendment makes it clear that religious meetings cannot take place side by side with other school activities where attendance would be compulsory. The earlier version of the Equal Access Act also did not make clear whether student groups would be allowed to bring in outside religious leaders and clergy to participate in and to lead the student religious meetings. The amendment before us addresses this problem by stating, "nonschool persons may not direct, conduct, control or regularly attend activities of student groups." This restriction should ensure that the meetings are truly voluntary and student initiated.

The amendment before us also contains several other improvements concerning areas that were not addressed in the earlier legislation. This legislation protects all student speech in secondary schools, not just religious speech. Students will be able to meet and discuss political and philosophical topics, as well as religious concerns. The proper separation of church and state is maintained by prohibiting school employees from promoting or taking part in the student meetings. Schools are given clear authority to ensure that attendance at the meetings will be voluntary, to maintain order and discipline on school premises, and to prevent unlawful meetings from taking place. Finally, this amendment protects the rights of small groups of students by providing that a school may not refuse to allow a meeting because a group does not contain a certain number of students.

This amendment will not be a cure-all for problems involving the equal access rights of secondary school students. But I am hopeful that it will

clarify existing law in this area and eliminate the need for lawsuits to protect individual religious liberties. When this body debated the first version of the Equal Access Act, I stated that I would support legislation in this area that was carefully written and contains a fair penalty, and I am pleased that we have such a proposal before us today.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Speaker, I rise in support of the amendment.

Mr. PERKINS. Mr. Speaker, this Nation was founded on the belief in a diety. In fact, the Declaration of Independence, which I have here, refers to "our Creator," "To nature's God" and to "the Supreme Judge of the World."

Now, how can anyone say that we are departing from the founding principles of our country by passing this amendment?

Furthermore, court decisions have said that all sorts of student groups are entitled to use public school premises for the free speech discussion of opposition to the war in Vietnam, of support for gay rights, and of support for Communists and the Ku Klux Klan activities.

□ 1210

All this legislation does is to say that students wishing to discuss religious belief among themselves are given the same right. This is no prayer bill.

But I would think that we would not want to relegate the rights of high school students attending a school below the rights of other people in that same building.

The U.S. Catholic Conference stated a few months ago in urging Congress to enact equal access legislation, "This support stems from the concerns of the Catholic Church for the moral and civil responsibility of all Americans."

Let me briefly describe the provisions of this amendment, quite different from the original bill. Before I do, I want to say if we have to go to Calendar Wednesday that we could go to midnight tonight. I say that to the gentleman from New York [Mr. ACKERMAN], and the gentleman from New York [Mr. SCHUMER]. If you notice the CONGRESSIONAL RECORD for today, for dilatory tactics they put in about 500 amendments in the RECORD, and we would have to get back on it Wednesday a week and then the following Wednesday unless the House voted to cut the time off. That is the reason we are here today, to expedite this business.

The Senate bill that we have before us now protects not only religious speech but also all political, philosophical, and other free speech. There is no cutoff of funds for any violation. No outsider may conduct, control, or regularly attend meetings. No numerical limit may be placed on the membership of a student group. Local school authorities control the place, manner, and time of meeting so as not to endanger educational functions. And only meetings before and after instructional periods are fully protected.

I support this substitute, although it is not what I would have preferred, nor is it what the opponents would have preferred. However, it reflects the best results that we can get; that is, the give and take of the legislative process.

Therefore, Mr. Speaker, I urge its adoption.

● Mr. HALL of Ohio. Mr. Speaker, once again I rise in support of the exercise of free speech as it relates to religion, particularly in our public schools. Over the last few weeks we have heard much speculation that the equal access measure erodes the separation of church and state. This is simply untrue.

The equal access bill is a carefully crafted piece of legislation that addresses seemingly conflicting constitutional guarantees in a straightforward and simple way. It maintains Government neutrality in religion while assuring that student religious groups have the same opportunity to express their beliefs as other voluntary student groups enjoy. It says that voluntary groups can meet in classrooms during off-hours.

It was my opinion when the House passed its original bill that it simply provided religious groups with the same opportunities available to other nonschool-sponsored, student-initiated groups and clubs. Our colleagues in the other body, have further spelled out that equal access applies to all types of voluntary student groups—political, philosophical, and other nonreligious groups. We see clearly that this is a free speech issue and not a backdoor approach to the establishment of religion.

Mr. Speaker, it is my opinion that the measure before us also allays fears that religious minorities could be discriminated against. The language specifically prohibits discrimination against small groups of students. It also maintains the local school's authority to keep order and discipline, thereby alleviating fears about outsiders' ability to take over meetings.

Mr. Speaker, I must emphasize again that we want to look at what this measure does and stop speculating about what is not there. We are making a decision about free speech. We are talking about access to classrooms and facilities by voluntary groups in nonclassroom hours. We are not looking at State-sponsored religion.

I urge my colleagues to join me in voting for the equal access amendments.●

● Mr. SYNAR. Mr. Speaker, I am glad to have the opportunity today to support a true equal access bill—one that gives religious speech the same protection as other forms of speech, does not endanger the rights of minority religions, and assures that religious meetings are student led and only occur before and after school hours.

The equal access bill which came before the House in May would have been more appropriately called the unequal access bill. It would have provided special status to religious groups. The Constitution provides equal status for religion, but does not allow for the special protection this bill would have provided. The bill would have allowed school administrators to set minimum numbers for religious group activities. Outsiders could have entered our schools to lead regular prayer meetings during classroom hours. And the bill would have cut off Federal funds to entire school districts which denied access—even unintentionally—to one group. It was a bad bill.

I believe the bill before us today specifically addresses each of these concerns. However, I sympathize with those groups who still oppose this legislation. Many school administrators may be placed in the difficult position of deciding whether to allow all groups to meet, or simply to bar all student activities. And there may be cases of overzealous school administrators actively promoting or prohibiting one type of religion. But I believe these instances will be isolated and easily remedied.

It's important to remember why this bill is before us in the first place. Many school officials have concluded that they are prohibited from allowing religious groups to meet in school facilities. It is clear that the Constitution does not allow for this type of selective discrimination against religious speech—just as it does not allow for special protection of that speech.

The first amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This legislation strikes the appropriate middle ground and guarantees religious groups the same right to meet as any other group.●

● Mr. BIAGGI. Mr. Speaker, as a member of the House Education and Labor Committee I am pleased to join in support of the pending bill which would target new funds for math and science education in our Nation's schools.

As a cosponsor of the House bill, H.R. 1310, which was the first education bill approved by this body during last session, I am pleased that we have agreed to move forward with the

Senate bill in order to assure the adoption of these programs this year.

In light of the national debate calling for an improved educational system, it is both fitting and necessary that we adopt this bill. The reports that have been issued over the past year, from "A Nation at Risk" by the National Commission on Excellence in Education, the report to the President from the business-higher education forum entitled "America's Competitive Challenge: A National Response" and the "Action for Excellence" report by the Task Force for Economic Growth have sent us a strong message. This bill before us is an appropriate—first step—response to that message.

The $425 million provided for in the first year of this bill is a small contribution to our efforts to provide our young people with the technological edge so that we can effectively compete in a world market. Our national security is at stake—at no time since Sputnik have we been challenged to respond in such a bold fashion.

In the field of engineering, for example, the Soviet Union has graduated five times the number of electronic engineers than we do each year. For every million of their citizens, the Soviets graduate 260 electronic engineers—while the United States graduates 67 and Japan graduates 163 per million by comparison. If for every 10,000 people in the United States, 70 are engineers, and Japan has almost 6 times that number, how can we ever hope to compete as a technologically advanced and industrial-based society?

The field of engineering is but one example of the problem. The private sector has secured a critical number of qualified individuals in a rapidly growing brain drain. Consider the fact that only 55 percent of the graduates prepared to teach math actually enter the teaching profession. What we should be most fearful of is the fact that we could end up with a net loss of 35 percent of the number of qualified math and science teachers by the year 1992.

This bill addresses many of these concerns and should be viewed as a first step toward attacking the problem. Clearly the more generous funding levels in H.R. 1310 would be a more complete response to this problem. In this instance, it is not merely a question of throwing money at a problem as some might believe. A major, national training and retraining effort in the areas of math and science to improve the quality of education in this country will cost money. Let us be clear about that fact. The $750 million in H.R. 1310 is a more realistic response to the need but I believe that $450 million in the bill before us is a good starting point.

I am particularly supportive of the higher education programs which will reward the best of our schools and their teacher training programs. Under title II, 30 percent of the State funds would go to the State agency for higher education and 75 percent would be distributed as competitive grants to colleges and universities for math/science trainee programs. Twenty percent of these programs will be on a cooperative basis among industry, schools, universities and libraries. In addition to the higher education portion, the bulk of funding under this bill, $315 million in fiscal year 1984, will be targeted to States through formula grants based on the number of school-age children.

This bill also gives special consideration to special populations, including women and minorities, who have been traditionally underrepresented in the math and science fields. This will assure that math, science and engineering job opportunities remain accessible to those who have had difficulties in securing such access in the past.

Finally, I am glad that there is a requirement for improved coordination of these programs with the National Science Foundation. We should encourage other agencies and organizations to work closely with the NSF to assure the most appropriate and comprehensive programs and policies are adopted.

In sum, Mr. Speaker, while I regret that H.R. 1310 is not receiving full and fair consideration under this process, I nonetheless laud this legislation and urge our colleagues to join with us in support of this historic and bold initiative. We cannot afford to short-change the educational futures of our children today—for such shortsightedness will surely render tomorrow's problems.●

● Mr. FRENZEL. Mr. Speaker, today we have another opportunity to provide access to school facilities for voluntary religious student groups on the same basis as they are made available to other noncurricular groups.

Although I voted in favor, I expressed reservations about the equal access legislation which came before this body in May. This new Senate legislation is a great improvement, particularly with respect to the penalty provisions. In addition, it places more of the decisionmaking responsibility in the hands of local communities and local officials. In my judgment, that is the appropriate place to make such decisions.

In this bill we are upholding the authority of local officials and educators to maintain order and discipline as well as to protect the well-being of students and faculty. We do not order schools to support or even to allow any particular religious meetings. We simply state that voluntary student religious groups are to be treated in the same manner as other voluntary groups which are allowed to meet in the same facilities.

Schools are public buildings which are built and maintained by taxpayers' dollars. Those same taxpayers, or in this case their children, should have the right to use these buildings in reasonable circumstances for reasonable purposes as determined by local authority.

I supported equal access in May. I will vote for this bill more enthusiastically. It is based on the same concept of equality as it predecessor, the Bonker bill, but it provides more safeguards, better enforcement, and more local decisionmaking.●

● Mrs. SCHNEIDER. Mr. Speaker, the equal access provision before us today represents a vast improvement over the measure considered by the House last May. Like many of my colleagues, I had several grave reservations about the earlier bill which were not addressed either in committee or on the floor of the House. First of all, it would have permitted outside individuals to address or run student religious groups during noninstructional periods during the schoolday. Second, if a school were to deny the use of buildings for such a group, its Federal funding would have been terminated. This, I felt, was too severe a remedy. And finally, the bill provided no access to the courts for students who wished to challenge the decision of school personnel. These items raised grave concerns in my mind about the legislation, leading me to vote against it. As we are all aware, that measure fell 11 votes short of passage in the House.

Today we are considering a new equal access bill which the Senate added to their version of the math-science education bill. After reviewing the changes made by the Senate, I feel that my original reservations have been met, and I will now be able to support the bill. The sanction of fund termination has been removed; student-initiated meetings can now take place only before and after school hours; and restrictions have been placed on the participation and attendance of outside individuals in these student meetings. In addition, the bill provides judicial review for students who have grievances. And finally, the measure before us today extends the principle of equal access to all student groups, including those with religious, political, or philosophical content. This is legislation that I can now support, and I would urge my colleagues who share my previous reservations to vote in favor of this bill.●

● Mr. SHANNON. Mr. Speaker, once again I am afraid that I must rise in opposition to the passage of an equal access bill.

There is no question that the legislation that is before us today is a substantial improvement over the version that we considered back in May. It does not focus exclusively on religious

organizations but tries to ensure that other types of student groups have access to school facilities, as well. It does not contain the harsh funding cutoff that was of such concern in H.R. 5345. I believe that the sponsors of this legislation are sincere in their efforts to protect student's rights to assemble and to freely discuss whatever is on their minds. I would like to be able to support them in that effort.

I regret to say, however, that I cannot. Even with this new legislation, there are still too many points that trouble me. For one thing, I still have doubts about the constitutionality of legislation that permits organized religious groups in a publicly owned building. Even if such legislation were ultimately found to be constitutional, I would still be deeply concerned at the precedent that this bill would set. It is my firm belief that we must maintain a strict and absolute separation between church and state and that our Founding Fathers, who knew all too well what happens when the Government becomes involved in religious matters, intended such an absolute separation when they wrote the first amendment to the Constitution. To allow religious organizations to meet on school grounds would be the first small breach in the wall of separation that our Founding Fathers established.

I sympathize with students who wish to get together and discuss their religious beliefs. But it is neither wise nor necessary for this to occur on the grounds of a public school. They can gather before or after school in each others' homes, at their church or synagogue, or in any one of the many places outside the school grounds that young people gather. These places are far more appropriate for religious discussion, especially organized discussion, than facilities that are paid for by taxpayers of widely varying religious beliefs.

I also remain troubled by the burden that this legislation places on local school officials. Indeed, it is somewhat ironic that many of the same people who oppose Federal involvement in education and cry for local control are now asking that the Federal Government be authorized to interfere with local school officials' decisions on the use of their facilities. These decisions, which were once based on their own best judgment, must now be made with an eye toward avoiding trouble with the feds. School systems will have to divert already scarce resources toward evaluating student groups in light of the Federal requirements and providing the monitoring of student religious groups that is required under this bill. If we were to place such a heavy Federal hand on school systems' selection of textbooks or hiring of teachers, these parents would be raising the roof. Why is this type of interference any more acceptable?

In short, public schools are a place for education. The place for religious training and discussion is in the family and at church. The Federal Government should not be in the position of requiring public school systems to play a role that they do not want and were never intended to assume. I do not want to place that responsibility on these school systems, and I therefore must oppose this bill.●

● Mr. PERKINS. Mr. Speaker, our colleague, Congressman PAUL SIMON, is one of the most outstanding Members we have in the House of Representatives. He always attempts to thoroughly analyze legislation and reach an intellectually sound position before he votes.

Therefore, I am very pleased that Mr. SIMON has decided after long and careful analysis to support the amendment we are voting on today, the Senate-passed equal access amendment. For the information of the Members, I would like to insert in the RECORD Mr. SIMON's thoughtful comments on this bill and his reasons for supporting it:

COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON POSTSECONDARY EDUCATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 1984.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CARL: I understand that "equal access" legislation, as passed as part of the Senate Math-Science bill (S. 1285) may be considered by the House on Wednesday. Because I will not be present on Wednesday, I am writing to convey my strong support of the Hatfield Amendment, as incorporated in the Senate version of the Math-Science bill.

Although I was an early co-sponsor of H.R. 4996, I offered an amendment in the Education and Labor Committee to H.R. 5345, a clean bill incorporating improvements made by your Subcommittee. During Committee debate on H.R. 5345, I offered an amendment, which I firmly believe would have placed a proper prospective on the whole "access" question and avoided the constitutional questions raised by the bill as it was reported by the Committee. As a cosponsor of H.R. 4996, I share the view of several of my Colleagues in the House, that if a school board permits its facilities to be used by one religious group for a meeting or for meeting purposes after school hours or by student groups for meeting purposes during school—that the facilities must be made available to all (on a presumably first come, first served basis). I strongly disagree that providing access for the Spanish Club or the Girl Scouts requires the school board to also provide access to school facilities for student religious groups.

What is the basis for the difference? The Constitution makes no provision affecting the status of nonprofit groups or civic associations as it does with respect to religion. The First Amendment question, in regard to "equal access" legislation, becomes increasingly difficult if school facilities are to be used during school hours for religious purposes. I do not believe that the Congress, because of constitutional provisions providing for separation of church and State, should force school boards to permit religious meetings in their schools or to choose between religious groups who wish to meet in their schools. My amendment to H.R. 5345 would have allowed Federal funding to continue to go to school districts that have policies in which no religious schools were allowed to meet, but would have required that any school district that allowed one religious group to meet could not refuse to allow all other religious groups to meet in the school.

I was even more concerned, however, by the potential for Federal intrusion contained in the Committee's bill. Decisions concerning the use of local buildings should be left to the school administrators and board of education. Using termination of Federal funding as a lever to force local authorities to decide who should use local school buildings is improper. The threat of fund termination is used, almost exclusively, in the enforcement of civil rights laws and then very rarely. H.R. 5345 proposed to condition receipt of Federal financial assistance on compliance with Washington's notion of "access". What H.R. 5345 did was to give the Federal Government control over the school buildings themselves. I believe that decision concerning who uses school buildings should be left to those closest to the situation, unless they grant access to one religious group and deny it to another. My amendment would simply have ensured access by all religious groups, if permission was granted to any one religious group.

My principal concerns with the Committee reported bill are resolved in the Equal Access provisions contained in S. 1285. My concerns have been resolved by:

Substantially reducing the constitutional question by modifying the requirement that a school district or principal's decision to provide meeting space for any student group, forced the principal or district to accord the same privilege to all, by requiring that "equal access" only be made available if noncurriculum student groups are permitted to meet on school premises during noninstuctional time.

Eliminating the Federal interference by including language which prohibits the withholding of Federal funds, if a local school district or principal fails to comply with this law, by the Federal Government.

This bill is not perfect. It is still open to constitutional question and will require school officials to decide whether to exclude all non-instructional groups. It is by far a better bill than H.R. 5345, which was defeated in the House on May 15, 1984.

I support the Hatfield "equal access" amendment.

Cordially,

PAUL SIMON,
Chairman.●

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules, to discharge the Committee on Education and Labor and the Committee on the Judiciary from further consideration of the Senate amendment to H.R. 1310, and to concur in title VIII of the Senate amendment to H.R 1310.

The question was taken.

Mr. SCHUMER. 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.

Mr. SPEAKER. 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 337, nays 77, not voting 19, as follows:

[Roll No. 313]

YEAS—337

Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bevill
Biliirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonker
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fazio
Fiedler
Fields
Flippo
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gingrich
Glickman
Goodling
Gore
Gradison
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kazen
Kemp
Kildee
Kindness
Kleczka
Kolter
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
Lehman (CA)
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weaver
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zschau

NAYS—77

Ackerman
Addabbo
Akaka
Annunzio
Barnes
Bates
Beilenson
Berman
Bonior
Borski
Bosco
Boxer
Burton (CA)
Collins
Coughlin
Coyne
Crockett
Dellums
Dixon
Dymally
Edgar
Edwards (CA)
Fascell
Feighan
Fish
Florio
Foglietta
Ford (MI)
Garcia
Gejdenson
Gilman
Gonzalez
Gray
Green
Hall (IN)
Hawkins
Hayes
Kastenmeier
Kennelly
Kogovsek
Kostmayer
Lantos
Lehman (FL)
Leland
Levin
Levine
Long (MD)
Lowry (WA)
Markey
McHugh
Mineta
Minish
Mitchell
Moody
Oakar
Oberstar
Ottinger
Owens
Pepper
Porter
Rangel
Roybal
Savage
Scheuer
Schroeder
Schumer
Smith (FL)
Solarz
Stokes
Studds
Torricelli
Vento
Walgren
Weiss
Wheat
Wirth
Yates

NOT VOTING—19

Biaggi
Clay
Conyers
Dowdy
Edwards (AL)
Ferraro
Gramm
Hansen (ID)
Heftel
Jones (TN)
Marriott
Rostenkowski
Shannon
Simon
Stump
Towns
Waxman
Wilson
Young (MO)

□ 1220

The Clerk announced the following pair:

On this vote:

Mr. Biaggi and Mr. Gramm for, with Mr. Waxman against.

So (two-thirds having voted in favor thereof) the rules were suspended, the Committee on Education and Labor and the Committee on the Judiciary were discharged from further consideration of the Senate amendment to H.R. 1310, and title VIII of the Senate amendment to the bill was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

TITLES I THROUGH VII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

Mr. PERKINS. Mr. Speaker, pursuant to the resolution previously adopted, I have a motion at the desk which I offer.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. PERKINS moves to suspend the rules and to concur in titles I through VII of the Senate amendment to the bill (H.R. 1310) to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky [Mr. PERKINS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, the legislation before us, the math and science education bill, H.R. 1310, as passed by the Senate, is very similar to the House passed version of the bill.

The legislation would improve mathematics and science education at the elementary, secondary and postsecondary levels. Both bills include the following features—the Members will hear from the gentleman from Florida [Mr. FUQUA] in a few moments—an authorization of $425 million for the first year, a program of formula grants to school districts to improve teacher training and other areas of need in math and science for elementary and secondary students, a program administered by the National Science Foundation to support scientific, mathematical and engineering education, higher education programs including scholarships to encourage students to become math and science teachers and training institutes to upgrade the skills of those who are already teaching.

All of the evidence before the House and the Senate hearings has indicated a dire need for strengthening instruction and increasing the number of teachers in these vital areas. We waited over a year for the Senate to pass this legislation. We cannot afford to wait any longer to make these grants available to the school districts

and institutions that will help us meet the demand of the technological age.

Although these bills contain some minor differences, for all practical purposes, they are the same.

Let me discuss the Senate bill in more detail.

Most of the funding, $350 million, would be used for formula grants to local educational agencies to improve instruction and teacher training in their school districts and for grants to higher education institutions to improve teacher training in this area.

Another title of the bill sets up a program administered by the National Science Foundation for partnerships between local educational agencies and other public and private agencies to improve instruction in mathematics, science, and computer science and engineering. This legislation also authorizes scholarships to college students who will make a commitment to teach mathematics and science and for summer institutions to improve the skills of persons who are already teachers.

I would like to commend the gentleman from Florida [Mr. FUQUA] for his cooperation in developing this legislation. As chairman of the Committee on Science and Technology, he contributed valuable expertise and worked well with our committee.

I would also like to highlight some of the other titles in this bill.

In addition to the equal access provision, the bill authorizes $75 million for each of the fiscal years, 1984, 1985, and 1986 for grants to local educational agencies to establish and operate magnet schools to help implement desegregation plans. The bill establishes a program within the Environmental Protection Agency for grants to States for abatement of hazardous asbestos materials in schools. For this purpose $50 million is authorized for fiscal years 1984 and 1985 and $100 million for each of the following 5 years.

I believe that it will be beneficial to have the EPA involved in this activity, since they have the technical expertise to abate health hazards and since they have already issued regulatory guidance and requirements on this subject.

Finally, the Senate bill contains a small authorization of $16 million for each of the fiscal years 1984 and 1985 for grants to schools which demonstrate successful techniques for improving educational quality.

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

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I would like to engage in a colloquy.

I would just like to clarify one point in the section of H.R. 1310, as amended by the Senate, relating to magnet schools. The bill contains three conditions for eligibility for this magnet schools assistance. Is it your understanding that a school district can meet any one of these conditions, but need not meet all three, in order to be eligible?

Mr. PERKINS. That is correct, I wish to say to the gentleman.

Mr. KILDEE. One other question on behalf of the gentleman from Pennsylvania [Mr. GRAY] and myself.

Another question on the magnet schools portion of H.R. 1310 as amended by the Senate. Section 702(3) makes voluntary desegregation plans in school systems which have adopted or are implementing a desegregation plan without having been required to do so eligible for funds. Is it your understanding that the term "voluntary plan" can mean plans that were not necessarily initiated by the courts and could include such voluntary plans as exist in the cities of Flint, MI; Rochester, NY; Seattle WA; and Philadelphia, PA; but that are otherwise meeting guidelines established under title VI of the Civil Rights Act of 1964?

Mr. PERKINS. The gentleman is correct.

Mr. KILDEE. One further question on behalf of myself, the gentleman from New York [Mr. NOWAK] and the gentleman from Pennsylvania [Mr. GRAY] relating to the magnet schools portion of H.R. 1310 as amended by the Senate. Section 702(1) of the bill states that a school system would be eligible for funds if it had lost at least $1 million following the repeal of the old Emergency School Aid Act. Is it your understanding, Mr. Chairman, that this $1 million loss applies to the total funding received by a school system under all chapter 2 antecedent categorical programs in the year immediately preceding the implementation of chapter 2 when compared to total funding received in the first year of chapter 2?

Mr. PERKINS. That is correct, likewise.

Mrs. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from California.

Mrs. BURTON of California. Mr. Speaker, I would like to ask the chairman whether section 709 of the Senate bill prohibits school districts from using their magnet schools assistance under title VII for courses the subject of which is secular humanism. First of all, I want to know what that means. I thought I understood English. I might have an accent, but I do not know what secular humanism means.

□ 1240

Mr. PERKINS. Well, let me state that since there is no definition of secular humanism, the Department of Education is not authorized to promulgate any definition of this term. And, furthermore, since the Secretary is not authorized to define this term, a determination of which courses are or are not secular humanism shall be left purely up to the judgment of the local educational agencies. That is the essence of it.

Mrs. BURTON of California. Mr. Chairman, I do not understand the terminology. I do not know why we need it in the bill.

Mr. PERKINS. The local educational agencies will make that determination.

The SPEAKER. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

Mr. PERKINS. Mr. Speaker, I yield myself 1 additional minute.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield for the purpose of a question on this subject?

Mr. PERKINS. Yes; I yield to the gentleman from Ohio.

Mr. SEIBERLING. I am not sure what is meant by the term "secular humanism," but if this bill is intended to start regulating the content of teachers' subject matter in such vague terms, it seems to me that it is a real invasion of academic freedom, and I am equally concerned with the gentlewoman from California. Can the gentleman give us further assurances as to what the effect of this provision is?

Mr. PERKINS. Well, let me say to the gentleman, as I understand it, that there is no intent to bring into play any Federal interference, that teachers and the local boards will make the decision exclusively of everybody else. So I see no harm here.

Mr. SEIBERLING. Could I just ask one other question of the distinguished chairman?

The SPEAKER. The time of the gentleman from Kentucky [Mr. PERKINS] has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 30 additional seconds.

Mr. SEIBERLING. If the gentleman will yield further, is the theory of evolution and natural selection secular humanism, as the gentleman understands it?

Mr. PERKINS. That decision is to be made locally, I will say to the gentleman, by your local boards and your teachers.

Mr. SEIBERLING. I thank the gentleman.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Ohio.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation as proposed. As the ranking minority member on the Science and Technology Committee which has the

responsibility for this math-science education bill, I think it is appropriate that we move it at this time. This bill addresses what we have all recognized here in the House to be a critical problem, and that is that we have an abysmal situation occurring in our math and science education, especially at the elementary and secondary school level. We are finding that we are short of qualified teachers, that those qualified teachers which we do have are difficult to retain because of the competition from the private sector and that we do not have adequate materials and adequate instrumentation in order to teach math and science at the elementary and secondary school level.

The role of the National Science Foundation under this bill has been significantly increased, and I think it can be an effective tool in addressing the need to educate our children in math and science. There are a number of programs under this bill which are really excellent in concept and which I hope will be promoted aggressively. We have a program which would allow teachers to go to summer institutions and be retrained by the National Science Foundation. We have a program which would encourage people to go into the teaching profession. We now find, unfortunately, that people going into the teaching profession are sometimes not at the top of their class. This program would encourage people to go into the teaching program and would retain and attract extremely qualified teachers.

We have a program in here which would identify the top students and the top teachers throughout the country and would reward them on the basis of the quality and the expertise of their experience and their educational activities.

This is an excellent bill. The issue of secular humanism is really a red herring in this bill. It is a minor line item in the bill which will not affect the vast amount of money which would be appropriated and spent under this bill and which has been approved by the Senate.

In fact, this bill would significantly reduce the strings which this Congress applies to educational activity, as the majority of the funds under the bill are block granted for the specific purpose of math-science education but the actual decision as to how the math-science education will be promoted is left at the local and the State school board level.

So it is a positive bill and it is the type of bill which those of us who have been talking about we need to do something in the area of math and science education should be willing to support.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker I rise in support of the request of the gentleman from Kentucky, my good friend Mr. PERKINS, to suspend the rules and discharge the committee from further consideration of H.R. 1310 and to agree with a Senate amendment.

The Committee on Science and Technology joins with the Committee on Education and Labor in supporting this bill, H.R. 1310, proposing a broad and comprehensive bill to deal with what has been termed a crisis in science and math education.

Back when we considered this bill on the floor of this House, on March 2, 1983, one of the first pieces of major legislation passed in this Congress, we stated at that time that this bill was comprehensive in nature, it was not seen by either of our committees as a solution to all of the problems confronting our education system in science and math and engineering and technology. Rather it should be viewed as a first step, although a very, very important one, Mr. Speaker, in a series of steps to be taken collectively by the Federal Government with State government and with academia and business and other elements of concern in the private sector.

A true resolution of the problem will require a protracted effort on everyone's part to reverse the present trends in our education system and to meet our human resource needs of tomorrow.

I have provided a brief summary and discussion of several key provisions of the bill that particularly pertain to the Committee on Science and Technology, and that is the Congressional Merit Scholarship Program, which will be a program administered by the National Science Foundation for students with outstanding potential in math, science and engineering, and it would be for around $5,000 per academic year, one that has already begun to be instituted this summer. I have had the privilege of visiting some of these, the teacher institutes, where we bring teachers back in for workshops in institutions of higher education, for workshops in science and math and in other critical foreign languages. This is a very important program that is contained in this bill and one that I think adds considerable merit to it.

Furthermore, the mathematics and science education development program is one to develop and disseminate material for training in math and science and computer learning and research and developing and disseminating elementary and secondary math, science and computer learning course material, a very, very important thing in the period of time in this century that we live in.

There is also an NSF program for partnerships in education for mathematics, science and engineering. This is a national policy, Mr. Speaker, for technical engineering and scientific personnel training for job creation, a very, very important facet of this.

I urge the adoption of this. I want to commend to members of our committee, particularly my friend from New Hampshire, Mr. GREGG, who has worked very hard in our committee and on the floor to bring this about, and my colleague from Kentucky, the chairman of the Education and Labor Committee, and my friend from Pennsylvania, Mr. GOODLING, for all of the work that they have done, and the staff, in bringing this about. I think it is a milestone in what we are doing.

As I said, it is only a step in the right direction. We have many other steps down the road. But this is a step in the right direction, and I hope in the beginning of the next Congress that we can start addressing a more long-term solution to some of these very difficult problems that we have.

Mr. WALGREN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Pennsylvania [Mr. WALGREN], the chairman of the subcommittee and also a very distinguished supporter of this bill.

Mr. WALGREN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to add my support to the remarks of the gentleman from Florida, and also urge passage of this bill.

I think it is important to note that the Senate is in complete agreement with the levels of funding that this House, passed over a year ago. The administration, as usual, has been way behind on this issue, orginally proposing something in the range of $50 million, compared to the $500 million effort called for in this bill. Clearly the crisis that we face in education merits that kind of effort on our part.

We ought to underscore the partnerships for education in math and science and engineering provided in this bill. This is an area which was of particular interest to the gentleman from Florida and the House Science and Technology Committee. These partnerships show the advantage of being extremely flexible, able to take different forms in different circumstances to best adapt to the variety of strengths on the local level.

This bill also increased funding for scholarships and the teacher institutes, the best ideas that we have yet developed to improve present education.

I regret that the Senate bill does not include a provision similar to the one I added to the House bill to provide matching grants to community colleges for model technician training programs. Economist Pat Choate projected future jobs needs this way:

The speed and force of change will be awesome. Consequently, millions of jobs and

workers will become obsolete. * * * In this decade virtually all of the Nation's workers will need to be retrained or have their skills sharpened.

Community colleges are in an excellent position to be this training ground. Though the Senate did not agree with a community college initiative, I intend to continue to press for it. Community colleges have strong ties to local labor markets and are probably the largest source of advanced training outside of industry. My amendment would have helped community colleges establish model instructional programs, improve faculty development, and upgrade equipment and instrumentation for technician training.

I am also surprised that the Senate did not include some requirement of redeployment of student grants when an individual takes Government training in education and then fails to contribute their skills to improve our educational system, but rather uses their education for some other private pursuit. Although most who will take tax money for teacher training will stay in teaching, a number will not. Without a repayment requirement, I am apprehensive that individual abuse of this program could undermine essential future public support.

But there are details. We should accept this bill today.

I thank the gentleman for yielding to me.

Mr. FUQUA. I want to say again, Mr. Speaker, that I was looking the other way and I should have been looking around for my friend from Pennsylvania because I cannot in any way take away from the outstanding work that he did as chairman of the subcommittee within the Science and Technology Committee, that did all the hearings and brought this bill to where it was in our committee, and I want to commend the gentleman for all the work that he did. Overlooking him was certainly not intentional and it was an oversight on my part and I apologize.

The material referred to follows:

CONGRESSIONAL MERIT SCHOLARSHIPS

The House bill authorizes a program of National Teaching Incentive Scholarships administered by the Secretary of Education and to be awarded to up to 5,000 persons for FY 1984 and 10,000 persons for FY 1985. Scholarships may not exceed the tuition and fees for two academic years and require proof of satisfactory achievement. The Senate amendment authorizes a 4-year Congressional Merit Scholarships program administered by the National Science Foundation for higher education students with outstanding potential for teaching in math, science and engineering. Each scholarship is to be $5,000 per academic year and awarded only when the student is maintaining satisfactory progress on a full-time basis.

Discussion: The major difference is in the lead agency designated to administer the program. The Senate amendment makes no provision for foreign languages, but calls for some formulated geographical distribution and engineering scholarships for "post secondary" teaching.

TEACHER INSTITUTES

The House bill provides that the Secretary of Education and the Director of the National Science Foundation are to make grants to higher education institutions for summer teacher institutes and workshops in math, science, and critical foreign languages. Under section 107 of the House bill $20,000,000 a year for FY 1984 and FY 1985 is authorized for these activities by the Secretary; and one-half of the National Science Foundation's annual authorization (set at $30,000,000; section 107(b)(1) a year for FY 1984 through FY 1988 is authorized for these activities by the Director. The Senate amendment authorizes the National Science Foundation to fund joint applications from State and local educational agencies and higher education institutions for teacher training institutes in math, physical and life sciences. The Senate amendment authorizes $20,000,000 a year for FY 1984 and FY 1985 (section 164).

The Senate amendment, but not the House bill, requires an equitable distribution of teacher training institutes among and within States, with at least 1 per State if any proposals meeting requirements are filed from such State.

The Senate amendment limits a single grant to not more than $200,000 in any fiscal year. No comparable House provision.

Discussion: In the Senate amendment all grants made by the National Science Foundation require the institutions of higher education to apply jointly together with local educational agencies and requires full continuing consultations with State educational agencies. Since each state is authorized at least one institute, fifty institutes at $200,000 per will account for one-half of the annual authorization. The sharing of responsibility between the Department of Education and the National Science Foundation contained in the House bill was changed by placing all responsibility in the NSF.

MATHEMATICS AND SICENCE EDUCATION DEVELOPMENT PROGRAMS

The Senate amendment, but not the House bill, authorizes the National Science Foundation to assist higher education institutions or local educational agencies in developing and disseminating material for teacher training in math, science and computer learning; and in researching; developing and disseminating elementary and secondary math, science and computer learning course materials.

Discussion: The House bill provides for research to be conducted by NSF and NIE whereas dissemination of the results are basically left to the formula grant programs in ED. The Senate amendment states specifically that the Foundation will enter into agreements with institutions of higher education or local educational agencies for developing *and* disseminating programs and materials for teacher in-service training, as well as instructional materials for students.

NSF PROGRAMS FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE AND ENGINEERING

Both the House bill and the Senate amendment propose new National Science Foundation programs to support scientific, mathematical and engineering education. The House bill proposes a national policy for technical, engineering and scientific personnel training and job creation. The Senate amendment focuses on support for partnerships among businesses, higher education institutions, and elementary and secondary schools.

The Senate amendment, but not the House bill, includes detailed requirements for grant applications.

Discussion: The basic concept of the House initiative for a special matching fund to maintain an adequate supply of properly trained technical, scientific, and engineering personnel is retained. The traditional role of NSF working directly with the applicant is changed by the Senate amendment so that State and local educational agencies are involved. However, there is considerable flexibility in what constitutes the partnership. Also, more flexibility is retained for the overall program since the House passed floors for specific areas of concern were not included. One major advantage of the Senate language is the awarding of scholarships to students of higher education in the fields of mathematics, science, computer science, and engineering. All of this is based on 50% cost-sharing. The Senate has eliminated the House concept for recruitment and retention of new engineering faculty which the Science and Technology Committee believes to be a very important initiative.

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

Mr. Speaker, I rise in support of this bill. I guess the first statement I should make is to make sure that all of my colleagues understand these two pieces of legislation are tied together; equal access and math and science. We need a two-thirds vote on math and science in order to uphold what we just recently approved in relationship to equal access.

In this math and science bill as it comes back to us from the Senate, the amount of money has been increased, but the amount of money for the math and science program is approximately the same as it was when it left the House. The increases came as a result of the things that were added by the other body. One of which I am a cosponsor which is excellence in education. Another addition to this on the Senate side was the Hatch Magnet School amendment and another important one is the Asbestos Abatement Program.

We have kicked this around for a long time; it was we in the Congress of the United States that got all of the people all over the country upset and excited about asbestos. The only thing is we did not send them any money to do anything about it. We just got them into a lot of trouble. There are a lot of poor school districts out there who, as a matter of fact, cannot do anything about their asbestos problem because they do not have any money to do anything about it.

So the Senate has included the asbestos legislation in this particular package. Those three issues, it seems to me, are the issues that have increased the spending beyond where it was when it left the House. Basically,

the math and science bill focuses on teacher retraining, on upgrading, on scholarships for promising students, on creative arrangements with the private sector, the schools, and the post-secondary institutions, and on summer institutes and inservice training.

So I would suggest to my colleagues that we have a bill that all should be able to vote for and I would encourage them to do that.

Mr. Speaker, I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. I thank the gentleman for yielding me this time.

Mr. Speaker, at this time I would like to commend the chairman of the Education and Labor Committee, Mr. PERKINS, and the ranking member, Mr. GOODLING, for the work they have done, and certainly for the chairman of the Science and Technology Committee, of which I am a member, Mr. FUQUA, for the excellent leadership that he was provided on this issue. I think also there should be a warm recognition for Mr. SIMON, who worked very vigorously to include language skills in this bill, which I think has become a very vital portion of it.

I rise in support of this motion, as one who has worked on math and science legislation for the past 4 years. I am glad that today we finally have the opportunity to send this much-needed measure directly to the President. The House passed H.R. 1310 with strong bipartisan support in March of last year. Now the Senate has finally broken the deadlock that delayed this legislation for nearly 1½ years.

I am disappointed in some of the Senate provisions that have been added, but believe that this bill is the best that we can hope for at this time, and it is absolutely essential that we pass it.

During committee deliberations, we heard from literally hundreds of experts who stated the great need for improved instruction in science, math, and foreign languages. This initiative will go a long way toward attracting new teachers and upgrading skills of those now instructing our children.

Our educational system is the key to maintaining scientific and economic leadership in the world. It is our hope, and our best hope, for a secure and prosperous future. Time is short in this, the 98th Congress, to deal with important issues, and I urge support for this legislation.

Mr. NELSON of Florida. Mr. Speaker, I am pleased to have this opportunity to speak in strong support of H.R. 1310. I am a cosponsor of this legislation which is a combination of two bills—the Emergency Mathematics and Science Education Act and the National Engineering and Science Personnel Act. I was originally a cosponsor of each of these vital bills also. This hearing today is an important step in securing a speedy enactment of this important legislation.

The global economy of the 1980's will be one of high technology in homes, schools, businesses, and Government services. Today, the United States is a world technological leader primarily as the result of our national resource of skilled scientists, technologists, engineers, and technicians. This leadership is essential for our economic and national security.

U.S. technological supremacy has eroded as other industrial countries have developed and implemented programs for expanding their technological capability. Our technological edge is threatened by a shortage of skilled engineers and scientists and, even more seriously, by the lack of general scientific and mathematical literacy necessary for the majority of citizens who provide the technical and consumer support of our economy. Technological literacy is also becoming increasingly important for full participation in our society and for individual personal development.

Our future national economic and social well-being is written by our schools and their ability to prepare youth for effective participation in a technological, information society. There is increasing evidence that the mathematical and scientific literacy of our youth and adults is being neglected.

If we are to respond effectively it is essential that we:

Establish the improvement of education and mathematical and scientific literacy as a priority for action;

Increase and improve the pool of qualified teachers of mathematics and science who can adequately prepare our youth for the emerging technological society;

Restructure and revise the mathematics and science curriculum to prepare the nonspecialist as well as the specialist and to modify the sequencing of curriculum to match the stages of intellectual development and ability;

Increase the amount of time students spend on academic studies and increase the availability of scientific equipment and facilities; and

Develop comprehensive programs that can further general computer literacy, including computer applications that will lead to increased mathematical and scientific literacy.

This legislation is an important first step in addressing our current crisis. Our leadership in technology for the world is at stake. We cannot afford to wait any longer.

I commend Mr. PERKINS, Mr. SIMON, and Mr. GOODLING from the Education and Labor Committee and my chairman, Mr. FUQUA, Mr. WALGREN, and Mr. McCURDY for their insight in bringing this legislation before us in such a timely manner. I urge its passage as soon as possible.

● Mr. CONTE. Mr. Speaker, I am glad to see that H.R. 1310, the math and science education bill, has returned to this floor for our consideration. And I am pleased to rise in support of this important measure.

Mr. Speaker, this initiative to strengthen mathematics and science education in this country is long overdue. Deficiencies in math and science curricula and equipment have seriously injured the morale of this country's teachers and the capabilities of our students. The National Science Foundation [NSF] has reported that math and science teachers have had serious difficulty in obtaining information concerning new instructional materials, thereby hampering the Nation's efforts to improve curriculum. Additionally, the National Association of Secondary School Principals has reported that only 45 percent of all secondary schools possess some sort of science equipment. These are disturbing facts demonstrating serious, widespread problems in our country's ability to educate our children.

Fortunately, H.R. 1310 defines immediate Federal, State, and local roles for improving math and science education and teacher preparation. The bill provides incentives to encourage future generations of teachers to enter these fields, and to help improve the skills of current teachers. Additionally, the problems of student preparation and achievement are addressed by authorizing educational agencies and institutions to develop methods to improve, strengthen, expand, and modernize math and science education.

Moreover, H.R. 1310 addresses the serious problems of underrepresentation of women and minorities in these disciplines by requiring grant recipients to take concrete action to ensure equal educational opportunity. I strongly support this provision and salute the committee's continued efforts to improve opportunities for all Americans.

Mr. Speaker, in considering the bill before us today, however, I am concerned over one amendment added by the other body to provide funding for magnet schools which are part of an approved desegregation plan. My reservations about supporting this amendment stem from its heavy bias toward the larger school districts, while appearing to shun the smaller but equally needy districts. I understand from the colloquy on this debate, however, that the eligibility criteria set forth in the amendment do not preclude those smaller desegregating districts, and therefore I withdraw my reservations. Further I would hope that, this being the case, the Secretary will give close consideration to the

needs of those smaller districts when considering awards under this program.●

Mr. PERKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and concur in titles 1 through 7 of the Senate amendment to H.R. 1310.

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

Mr. GREGG. 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 393, nays 15, not voting 25, as follows:

[Roll No. 314]

YEAS—393

Addabbo	Cheney	Foley
Akaka	Clarke	Ford (TN)
Albosta	Clinger	Fowler
Alexander	Coats	Frank
Anderson	Coelho	Franklin
Andrews (NC)	Coleman (MO)	Frenzel
Andrews (TX)	Coleman (TX)	Frost
Annunzio	Collins	Fuqua
Anthony	Conable	Garcia
Applegate	Conte	Gaydos
Archer	Cooper	Gejdenson
Aspin	Corcoran	Gekas
AuCoin	Coughlin	Gephardt
Badham	Courter	Gibbons
Barnard	Coyne	Gilman
Barnes	Craig	Glickman
Bartlett	Crockett	Gonzalez
Bateman	D'Amours	Goodling
Bates	Daniel	Gore
Bedell	Darden	Gradison
Beilenson	Daub	Gray
Bennett	Davis	Green
Bereuter	de la Garza	Gregg
Berman	Derrick	Guarini
Bethune	DeWine	Gunderson
Bevill	Dickinson	Hall (IN)
Biliraki	Dicks	Hall (OH)
Bliley	Dingell	Hall, Ralph
Boehlert	Dixon	Hall, Sam
Boggs	Donnelly	Hamilton
Boland	Dorgan	Hammerschmidt
Boner	Downey	Hance
Bonior	Dreier	Hansen (UT)
Bonker	Duncan	Harkin
Borski	Durbin	Harrison
Bosco	Dwyer	Hartnett
Boucher	Dymally	Hatcher
Boxer	Dyson	Hawkins
Breaux	Early	Hayes
Britt	Eckart	Hefner
Brooks	Edgar	Hertel
Broomfield	Edwards (OK)	Hightower
Brown (CA)	Emerson	Hiler
Brown (CO)	English	Hillis
Broyhill	Erdreich	Holt
Bryant	Erlenborn	Hopkins
Burton (CA)	Evans (IA)	Horton
Burton (IN)	Evans (IL)	Howard
Byron	Fascell	Hoyer
Campbell	Fazio	Hubbard
Carney	Feighan	Huckaby
Carper	Fiedler	Hughes
Carr	Fields	Hunter
Chandler	Fish	Hutto
Chappell	Flippo	Hyde
Chappie	Foglietta	Ireland
Jacobs	Mineta	Schulze
Jeffords	Minish	Sensenbrenner
Jenkins	Mitchell	Sharp
Johnson	Moakley	Shaw
Jones (NC)	Molinari	Shelby
Jones (OK)	Mollohan	Shuster
Kaptur	Montgomery	Sikorski
Kasich	Moody	Siljander
Kastenmeier	Moore	Sisisky
Kazen	Moorhead	Skeen
Kemp	Morrison (CT)	Skelton
Kennelly	Morrison (WA)	Slattery
Kildee	Mrazek	Smith (FL)
Kindness	Murphy	Smith (IA)
Kleczka	Murtha	Smith (NE)
Kogovsek	Myers	Smith (NJ)
Kolter	Natcher	Smith, Denny
Kostmayer	Neal	Smith, Robert
Kramer	Nelson	Snowe
LaFalce	Nichols	Snyder
Lagomarsino	Nowak	Solarz
Lantos	O'Brien	Solomon
Latta	Oakar	Spence
Leach	Oberstar	Spratt
Leath	Obey	St Germain
Lehman (CA)	Olin	Staggers
Lehman (FL)	Ortiz	Stangeland
Leland	Ottinger	Stark
Lent	Owens	Stenholm
Levin	Oxley	Stratton
Levitas	Packard	Studds
Lewis (CA)	Panetta	Sundquist
Lewis (FL)	Parris	Swift
Lipinski	Pashayan	Synar
Livingston	Patman	Tauke
Lloyd	Patterson	Tauzin
Loeffler	Pease	Taylor
Long (LA)	Penny	Thomas (CA)
Long (MD)	Pepper	Thomas (GA)
Lott	Perkins	Torres
Lowery (CA)	Petri	Torricelli
Lowry (WA)	Pickle	Traxler
Lujan	Porter	Valentine
Luken	Price	Vander Jagt
Lundine	Pritchard	Vandergriff
Lungren	Pursell	Vento
Mack	Quillen	Volkmer
MacKay	Rahall	Vucanovich
Madigan	Rangel	Walgren
Markey	Ratchford	Walker
Marlenee	Ray	Watkins
Martin (IL)	Regula	Weaver
Martin (NC)	Reid	Weber
Martin (NY)	Richardson	Weiss
Martinez	Ridge	Wheat
Matsui	Rinaldo	Whitehurst
Mavroules	Ritter	Whitley
Mazzoli	Roberts	Whittaker
McCain	Robinson	Whitten
McCandless	Roe	Williams (MT)
McCloskey	Roemer	Williams (OH)
McCollum	Rogers	Winn
McCurdy	Rose	Wirth
McDade	Roth	Wise
McEwen	Roukema	Wolf
McGrath	Rowland	Wolpe
McHugh	Rudd	Wortley
McKernan	Russo	Wright
McKinney	Sabo	Wyden
McNulty	Savage	Wylie
Mica	Sawyer	Yates
Michel	Schaefer	Yatron
Mikulski	Scheuer	Young (AK)
Miller (CA)	Schneider	Young (FL)
Miller (OH)	Schroeder	Zschau

NAYS—15

Ackerman	Dellums	Roybal
Conyers	Edwards (CA)	Schumer
Crane, Daniel	Ford (MI)	Seiberling
Crane, Philip	Nielson	Shumway
Dannemeyer	Paul	Stokes

NOT VOTING—25

Biaggi	Hansen (ID)	Stump
Clay	Heftel	Tallon
Daschle	Jones (TN)	Towns
Dowdy	Levine	Udall
Edwards (AL)	Marriott	Waxman
Ferraro	Rodino	Wilson
Florio	Rostenkowski	Young (MO)
Gingrich	Shannon	
Gramm	Simon	

□ 1310

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

So (two-thirds having voted in favor thereof) titles I through VII of the Senate amendment to H.R. 1310 were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HARRISON). Pursuant to the provisions of House Resolution 554, the entire Senate amendment to H.R. 1310 is considered as having been agreed to.

The text of the Senate amendment to H.R. 1310 is as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Education for Economic Security Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the quality of mathematics and science teaching and instruction in the United States.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "area vocational education school" has the same meaning given that term under section 195(2) of the Vocational Education Act of 1965.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Governor" means the chief executive of a State.

(5) The term "Foundation" means the National Science Foundation.

(6) The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

(7) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(8) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(11) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

(12) The term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

TITLE I—NATIONAL SCIENCE FOUNDATION MATHEMATICS AND SCIENCE PROGRAMS

PART A—TEACHER INSTITUTES

GRANTS FOR TEACHER INSTITUTES AUTHORIZED

SEC. 101. The Foundation is authorized, in accordance with the provisions of this part, to make grants to State and local educational agencies and institutions of higher education, applying jointly, for the establishment and operation of teacher institutes for the enhancement of the subject matter skills of public and private elementary and secondary school teachers of mathematics and physical and life sciences.

APPLICATIONS

SEC. 102. (a) Each local educational agency and institution of higher education, and each State educational agency and institution of higher education desiring to receive a grant under this part shall submit a joint application at such time, in such manner, and containing or accompanied by such information as the Director may require. One or more local educational agencies may apply jointly with one or more institutions of higher education under the provisions of this section. A State educational agency may apply jointly with one or more institutions of higher education.

(b) Each such application shall—

(1) describe the establishment and operation of a teacher institute for elementary and secondary school teachers of mathematics and physical and life sciences, including—

(A) the designation of the institute as a full-time summer or part-time school year, or both;

(B) a description of the courses of study to be offered at the institute;

(C) an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute and describe the selection procedures;

(D) the nature and location of existing facilities to be used in the operation of the institute;

(E) the teaching and administrative staff for the institute;

(F) the academic credits, if any, to be awarded for the completion of the courses of study to be offered at the institute; and

(G) a schedule of stipends to be paid teacher participants in the institute, including (i) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (ii) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(2) provide assurances that the design and operation of the institute will involve the participation of both the subject matter departments or divisions of each institution of higher education making application as well as the teacher education department or division, if any, of each such institution;

(3) provide for prior and continuing consultation with the State educational agency in the formulation and operation of the institute; and

(4) provide such additional assurances as the Director deems essential to assure compliance with the requirements of this part.

DISTRIBUTION OF ASSISTANCE

SEC. 113. (a) In approving applications under this part, the Director shall assure that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Director shall award not less than one institute in each State, except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part.

(b) No grant to a single applicant may exceed $200,000 in any fiscal year.

COOPERATION WITH BUSINESS CONCERNS

SEC. 114. Institutes assisted under this part may, to the extent possible, involve the cooperation of advanced technology business concerns and other business concerns which are able to supply assistance in the teaching of mathematics and science.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 115. In providing financial assistance under this part the Foundation shall make every effort to ensure that consideration is given to applications which contain provisions designed to meet the needs of underrepresented and underserved populations.

PART B—MATHEMATICS AND SCIENCE EDUCATION DEVELOPMENT PROGRAMS

PROGRAM AUTHORIZED

SEC. 121. The Foundation is authorized, in accordance with the provisions of this part, to enter into agreements with institutions of higher education or local educational agencies for—

(1) developing and disseminating programs and materials for training, retraining, and inservice training for elementary and secondary school teachers in the fields of mathematics, science, including physical and life sciences, computer learning; and

(2) the research, development, and dissemination of instructional programs and materials for courses of study in elementary and secondary schools in the fields of mathematics, science, including physical and life sciences, and computer learning.

APPLICATIONS

SEC. 122. (a) No grant may be made under this part unless an eligible applicant, at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each application shall contain assurances—

(1) that (A) in the case of an institution of higher education, the institution will enter into a cooperative agreement with one or more local educational agencies, (B) in the case of a State or local educational agency, the agency will enter into a cooperative agreement with one or more institutions of higher education in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education, for the purpose of furnishing the activities authorized by this part;

(2) that the planning and implementation of the cooperative agreement will involve the participation of both the subject matter departments or divisions of each institution of higher education as well as the teacher education department or division, if any, of each such institution; and

(3) that the applicant has consulted with, as appropriate, the State agency for higher education or the State educational agency in the development of the program for which assistance is sought, and will assure appropriate participation of such agencies in the program.

(b) For the purpose of this part an eligible applicant means—

(1) an institution of higher education,

(2) a State or local educational agency, and

(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 123. In providing financial assistance under this part, the Foundation shall make every effort to ensure that consideration is given to applications which provide for the development and improvement of instructional programs and materials designed to meet the needs of underrepresented and underserved populations.

PART C—CONGRESSIONAL MERIT SCHOLARSHIPS

SHORT TITLE

SEC. 131. This part may be cited as the "Congressional Merit Scholarships in Mathematics, Science, and Engineering Education".

MERIT SCHOLARSHIPS ESTABLISHED

SEC. 132. (a) The Foundation is authorized, in accordance with the provisions of this part, to award scholarships to individuals who are enrolled in institutions of higher education and who demonstrate outstanding potential for, and who plan to pursue, a career in teaching in the fields of mathematics, science, and engineering.

(b) Scholarships under this part shall be awarded for such period as the Foundation may prescribe, but for not to exceed four academic years.

(c)(1) A student awarded a scholarship under this part may attend any institution of higher education offering courses of study designed to prepare them for teaching careers. Such awards shall be available for periods of study commencing not sooner than the third undergraduate year.

(2) In order to be eligible for a scholarship under this part, each individual shall—

(A) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach at the elementary school level; or

(B) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach mathematics or science at the secondary school level; or

(C) concentrate, at the undergraduate level, in engineering and indicate a serious intent to teach at the postsecondary level, in an engineering discipline in which the Foundation has determined a shortage of qualified teachers.

(d) Not to exceed 25 per centum of the scholarships available under this part shall be available for students meeting the criteria of subsection (c)(2)(C).

SELECTION OF MERIT SCHOLARS

SEC. 133. (a) The Foundation shall establish criteria for the selection of merit scholars under this part.

(b) The Foundation shall adopt selection procedures which are designed to assure that—

(1) the number of individuals to be selected will not exceed the product of the number of Members of Congress for each State, multiplied by two, and that the individuals will be selected from among the residents of each State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico, not to exceed ten individuals will be selected); and

(2) each recipient of a merit scholarship will enter into an agreement with the Foundation under which the recipient will agree—

(A) to comply with provisions of paragraph (2) of section 142(c) relating to concentration of study; and

(B) to pursue a career in teaching, as prescribed in section 142(c) for not less than two years for each academic year in which a merit scholarship award is received.

STIPENDS AND SCHOLARSHIP CONDITIONS

SEC. 134. (a) Each student awarded a merit scholarship under this part shall receive an award of $5,000 for each academic year of study.

(b) Each student awarded a merit scholarship under the provisions of this part shall continue to receive payments provided under this part for such scholarship only during such period as the Foundation determines that the student is maintaining satisfactory progress in, and devoting full time to, the course of study for which the scholarship is awarded.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary from any student awarded a merit scholarship under the provisions of this part. Such reports shall be accompanied by a certificate from any appropriate official of the institution of higher education, approved by the Foundation, stating that such student is making satisfactory progress in, and is devoting essentially full time to, the study described in subsection (b).

PART D—DISCRETIONARY FUNDS OF THE DIRECTOR

AUTHORIZATION

SEC. 141. (a) From funds available for this part, the Director is authorized to make grants to and to enter into contracts with any public agency or any private organization to carry out any activity authorized by this title. In addition, from such funds, the Director is authorized, directly or by way of grant or contract, to conduct—

(1) a faculty exchange program between institutions of higher education (particularly institutions having established and nationally recognized research facilities) and eligible institutions; and

(2) programs of national significance promoting the improvement of instruction in the fields of mathematics, science, and engineering.

In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.

(b) For the purpose of this section the term "eligible institution" means an institution of higher education in any State which—

(1)(A) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantaged; or

(B) is located in a community that is not within commuting distance of a major institution of higher education; and

(2) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.

PART E—GENERAL PROVISIONS

ADMINISTRATIVE PROVISIONS

SEC. 161. (a) In order to carry out the provisions of this title, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title.

PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

SEC. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 163. The provisions of section 432 of the General Education Provisions Act, relating to prohibition against Federal control of education, shall apply to each program authorized by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. (a) There are authorized to be appropriated $20,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of part A of this title.

(b) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 to carry out the provisions of part B of this title.

(c) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and $15,000,000 for the fiscal year 1985 to carry out the provisions of part C of this title.

(d) There are authorized to be appropriated $3,000,000 for the fiscal year 1985 to carry out the provisions of part D of this title.

(e) There are authorized to be appropriated to the Foundation $20,000,000 for the fiscal year 1984 and $21,000,000 for the fiscal year 1985 to carry out the graduate fellowship program under the National Science Foundation Act of 1950.

TITLE II—EDUCATION FOR ECONOMIC SECURITY

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to make financial assistance available to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages, and to increase the access of all students to such instruction, and thereby contribute to strengthening the economic security of the United States.

DEFINITION

SEC. 202. As used in this title, the term "junior or community college" means an institution of higher education—

(1) that admits as regular students individuals who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

(B) offers a two-year program designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

PROGRAM AUTHORIZED

SEC. 203. (a) The Secretary is authorized to make grants to States and to make discretionary grants, in accordance with the provisions of this title, for strengthening the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages.

(b) There are authorized to be appropriated $350,000,000 for the fiscal year 1984, and $400,000,000 for the fiscal year 1985 to carry out the provisions of this title.

ALLOTMENT TO STATES

SEC. 204. (a)(1) From 90 per centum of the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such 90 per centum as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all States, except that no State shall receive less than one-half of 1 per centum of the amount available under this subsection in any fiscal year.

(2) The Secretary shall reserve the remaining 10 per centum to carry out section 212, relating to discretionary grants of national significance.

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(4) The number of children aged five to seventeen, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary de-

termines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

(c) There are authorized to be appropriated for each fiscal year for the purpose of this subsection amounts equal to not more than 1 per centum of the amount appropriated for such year under this title. The Secretary shall allot the amount appropriated pursuant to this subsection among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year the Secretary shall allot from not less than one-half of such amount, to such agency as the Secretary deems appropriate, for programs authorized by this title for children in elementary and secondary schools operated for Indian children by the Department of the Interior. The terms upon which payments are made under the previous sentence shall be determined by such criteria as the Secretary determines will best carry out the purpose of this title.

IN-STATE APPORTIONMENT

SEC. 205. (a) For each of the fiscal years 1984 and 1985, 70 per centum of each State's allotment under section 204 of this title shall be used for elementary and secondary education programs in accordance with section 206.

(b) For each of the fiscal years 1984 and 1985, 30 per centum of each State's allotment under section 204 of this title shall be used for higher education programs in accordance with section 207.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 206. (a) The amount apportioned under section 205(a) from each State's allotment under this title shall be used by the State educational agency to strengthen elementary and secondary education programs in accordance with the provisions of this section.

(b)(1) Not less than 70 per centum of the amount available under this section shall be distributed to local educational agencies within the State. Each local educational agency shall use funds distributed under this paragraph for—

(A) the expansion and improvement of inservice training and retraining of teachers and other appropriate school personnel in the fields of mathematics and science, including vocational education teachers who use mathematics and science in the courses of study the teachers teach; or

(B) if the local educational agency determines that the agency has met its need for such training and retraining and subject to the provisions of section 210(c), computer learning and instruction, foreign language instruction, and instructional materials and equipment related to mathematics and science instruction.

Such training and instruction may be carried out through agreements with public agencies, private industry, institutions of higher education, and nonprofit private organizations, including museums, libraries, educational television stations, professional science, mathematics and engineering associations, and other appropriate institutions. A local educational agency may carry out the activities authorized by this paragraph with one or more other local educational agencies within the State, or with the State educational agency, or both. Each local educational agency shall assure that programs of inservice training and retraining will take into account the need for greater access to and participation in mathematics, science, and computer learning programs and careers of students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the handicapped, and migrants.

(2)(A) The State educational agency shall distribute 50 per centum of the funds available under this subsection to local educational agencies within the State according to the relative number of children enrolled in public and nonpublic schools within the school districts of such agencies.

(B) The State educational agency shall distribute 50 per centum of the funds available under this subsection based on the relative number of children aged five to seventeen who—

(i) are from families below the poverty level as determined under section 111(c)(2)(A) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

in the public schools of the local educational agencies within the State.

(3) The State educational agency shall renew payments to local educational agencies under this subsection based upon the criteria set forth in paragraph (2) of this subsection and a determination by the State educational agency that the local educational agency is implementing the program assisted under this title so that a substantial number of teachers in the public and private schools in the school district of such agency are served and several grade levels of instruction in such schools are involved in the program.

(c)(1) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 30 per centum of the funds available to the local educational agency under subsection (b) may be used for the purchase of computer and computer-related instructional equipment.

(2) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 15 per centum of the funds available to the local educational agency under subsection (b) may be used to strengthen instruction in foreign languages.

(d) Not less than 20 per centum of the amount available under this section shall be used by the State educational agency for demonstration and exemplary programs for—

(1) teacher training and retraining and inservice upgrading of teacher skills in the fields of mathematics and science, foreign language instruction, and computer learning,

(2) instructional equipment and materials in such fields and necessary technical assistance,

(3) special projects for historically underrepresented and underserved populations and for gifted and talented students, and

(4) the dissemination of information to all local educational agencies within the State relating to the exemplary programs in the fields of mathematics, science, foreign languages, and computer learning.

In providing financial assistance for such demonstration and exemplary programs, the State educational agency shall reserve not less than 20 per centum of the amount available under this subsection for special projects in mathematics and science, foreign languages, and computer education to historically underrepresented and underserved populations of students, including females, minorities, handicapped individuals, individuals with limited-English proficiency, and migrant students, and to programs for gifted and talented students. The programs for gifted and talented students may include assistance to magnet schools for such students.

(e) Not less than 5 per centum of the amount available under this section may be used by the State educational agency to provide technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums, libraries, and educational television stations, in the conduct of programs specified under subsection (b).

(f) Not to exceed 5 per centum of the amount available under this section may be used by the State educational agency for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title.

HIGHER EDUCATION PROGRAMS

SEC. 207. (a) The amount apportioned under section 205(b) from each State's allotment under this title shall be used by the State agency for higher education for higher education programs in accordance with the provisions of this section.

(b)(1)(A) Not less than 75 per centum of the amount available for this section shall be used by the State agency for higher education for grants to institutions of higher education in accordance with the provisions of this subsection.

(B) The State agency for higher education shall make funds available on a competitive basis to institutions of higher education in the State which apply for payments under this section. The State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education.

(2) The amount available under this subsection shall be used for—

(A) establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

(B) retraining of secondary school teachers who specialize in disciplines other than the teaching of mathematics and science to specialize in the teaching of mathematics, science, or computer learning, including provision of stipends for participation in institutes authorized under title I; and

(C) inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics and science, and computer learning, including stipends for participation in institutes authorized under title I.

Each institution of higher education receiving a grant under this subsection shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics, science, and computer learning and careers of students from historically underrepresented and underserved groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and the gifted and talented.

(3) No institution of higher education may receive assistance under paragraphs (2) (B) and (C) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide inservice training and retraining for the elementary and secondary school teachers in the public and private schools of the school district of each such agency.

(c)(1) Not less than 20 per centum of the amount available under this section shall be used by the State agency for higher education for cooperative programs among institutions of higher education, local educational agencies, State educational agencies, private industry, and private nonprofit organizations, including museums, libraries, educational television stations, and professional mathematics, science, and engineering societies and associations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, and critical foreign languages. In carrying out this subsection, the State agency for higher education shall give special consideration to programs involving consortial arrangements which include local educational agencies.

(2) For the purpose of paragraph (1) of this subsection, critical foreign languages include foreign languages designated by the Secretary pursuant to section 211(d).

(d) Not to exceed 5 per centum of the amount available under this section may be used by the State agency for higher education for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title incurred by the State higher education agency.

STATE ASSESSMENT OF MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

SEC. 208. (a) Each State which desires to receive grants under this title shall prepare not later than nine months following the date for which funds under this title become available, a preliminary assessment of the status of mathematics, science, foreign language, and computer learning within the State. Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available. Each first assessment shall be prepared after an examination of the local assessments submitted under section 210. Each such assessment shall include a description and a five-year projection of—

(1) the availability of qualified mathematics, science, foreign language, and computer learning teachers at the secondary and postsecondary education levels within the State;

(2) the qualifications of teachers in mathematics, science, foreign languages, and computer learning at the secondary and postsecondary education levels, and the qualifications of teachers at the elementary level to teach mathematics, science, foreign languages, and computer learning;

(3) the State standards for teacher certification, including any special exceptions currently made, for teachers of mathematics, science, foreign languages, and computer learning;

(4) the availability of adequate curricula, instructional materials and equipment, in mathematics, science, foreign languages, and computer learning; and

(5) the degree of access to instruction in mathematics, science, foreign languages, and computer learning of historically underrepresented and underserved individuals and of the gifted and talented.

(b) Each such assessment shall also describe the programs, initiatives, and resources committed or projected to be undertaken within the State to—

(1) improve teacher recruitment and retention;

(2) improve teacher qualifications and skills in the fields of mathematics, science, foreign languages, and computer and computer learning;

(3) improve curricula in mathematics, science, foreign languages, and computer learning including instructional materials and equipment; and

(4) improve access for historically underrepresented and underserved populations, and for the gifted and talented, to instruction in mathematics, science, foreign languages, and computer learning.

(c)(1) Each State assessment shall be developed in consultation with the Governor, the State legislature, State Board of Education, local educational agencies within the State, and representatives of—

(A) vocational secondary schools and area vocational education schools,

(B) public and private institutions of higher education,

(C) teacher organizations,

(D) private industry,

(E) other public organizations, including libraries, museums, and educational television stations, and professional scientific and mathematics associations, and

(F) private elementary and secondary schools,

within the State.

(2) Each State assessment shall be submitted jointly by the State educational agency and the State agency for higher education.

STATE APPLICATION

SEC. 209. (a) Each State which desires to receive grants under this title shall file an application with the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Each such application shall—

(1) designate the State educational agency for the purpose of programs described in section 206, and the State agency for higher education for programs described in section 207 as the agency or agencies responsible for the administration and supervision of the programs described in sections 207 and 208, as the case may be;

(2) describe the programs for which assistance is sought under the application;

(3) provide assurances that payments will be distributed by the State in accordance with the provisions of sections 207 and 208, as the case may be;

(4) provide procedures—

(A) for submitting applications by local educational agencies, institutions of higher education, junior or community colleges, and other organizations for programs described in section 206 for distribution of payments under this title within the State, and

(B) for approval of applications by the appropriate State agency, including appropriate procedures to assure that the appropriate State agency will not disapprove an application without notice and opportunity for a hearing;

(5) provide assurances that—

(A) the State will prepare and submit the assessment required under section 208;

(B) in the second year for which funds are available under this title, the State will use funds for purposes consistent with the findings of the State assessment under section 208;

(C) for programs described in section 206, the provisions of sections 210 and 211 will be carried out; and

(D) to the extent feasible, evaluations of the program assisted under this title will be performed;

(6) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such funds, be available for the purposes described in sections 207 and 208, and in no case supplant such funds; and

(7) provide such fiscal control and accounting procedures as may be necessary (A) to ensure proper accounting of Federal funds paid to the applicant under this title, and (B) to ensure the verification of the programs assisted under the application.

(c) The Secretary shall expeditiously approve any State plan that meets the requirements of this section.

LOCAL EDUCATIONAL AGENCY ASSESSMENT

SEC. 210. (a) Each local educational agency which desires to receive a payment from the State educational agency pursuant to section 206 shall provide to the State educational agency an assessment of the local educational agency's need for assistance in—

(1) teacher training, retraining, and inservice training and the training of appropriate school personnel in the areas of mathematics, science, foreign languages, and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas;

(2) improving instructional materials and equipment related to mathematics and science education; and

(3) Improving the access to instruction in mathemactics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.

(b) Such assessment shall also describe the types of services to be provided pursuant to the program assisted under section 206, a description of how the services assisted will meet the program needs of the local educational agency, and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208.

(c) If a local educational agency determines, pursuant to section 206(b)(1), that

the agency has met its teacher retraining and inservice training needs in mathematics and science and desires to expend its funds on other activities prescribed in section 206(b)(1)(B), the local educational agency may request the State educational agency to waive such training requirements. If the State educational agency determines that the local educational agency has met such teacher training needs, the State educational agency shall grant the waiver.

PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS

SEC. 211. (a) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this title.

(b) To the extent consistent with the number of children in the State or in the school district of a local educational agency who are enrolled in private elementary and secondary schools, such State, State educational agency, or State agency for higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such inservice and teacher training and retraining as will assure equitable participation of such teachers in the purposes and benefits of this title.

(c) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children or teachers from private schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with sections 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

SECRETARY'S DISCRETIONARY FUND FOR PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 212. (a) From 10 per centum of amounts appropriated under section 203(b), the Secretary shall make grants in accordance with this section.

(b)(1) From 75 per centum of the amount available under this section in each fiscal year, the Secretary shall make grants to State and local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations for programs of national significance in mathematics and science instruction, computer learning, and foreign language instruction in critical languages. The Secretary shall give special consideration to provide assistance to local educational agencies, or consortia thereof, to establish or improve magnet schools for gifted and talented students. In awarding of grants the Secretary shall give special consideration to local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations providing special services to historically underserved and underrepresented populations in the fields of mathematics and science.

(2) The Secretary, from the amount available under paragraph (1) for each fiscal year, shall reserve not to exceed $3,000,000 in each such year for the Director of the National Institute of Education for the purpose of conducting evaluation and research activities. Such evaluation and research activities shall include—

(A) a policy analysis of alternative methods to improve instruction in mathematics and science;

(B) an annual evaluation of the programs assisted under this title; and

(C) research on improving teacher training, retraining, inservice training, and retention, as well as the development of curriculum and materials in the fields of mathematics and science.

One-half of the funds reserved under this paragraph shall be used for the research activities described in clause (C).

(c) From 25 per centum of the amount available in each fiscal year, the Secretary shall make grants to institutions of higher education for the improvement and expansion of instruction in critical foreign languages.

(d) In determining which languages are critical to national security, economic, and scientific needs, the Secretary shall consult with the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the National Science Foundation. The Secretary shall publish in the Federal Register a list of critical foreign languages.

PAYMENTS

SEC. 213. (a) From the amounts appropriated under section 203(b), the Secretary shall pay, in accordance with the provisions of this title, the costs of the programs and activities described in the application approved under section 209, and the costs of programs of national significance under section 211.

(b) Payments under this title shall be made as soon after approval of the application as practicable.

TITLE III—NATIONAL SCIENCE FOUNDATION PROGRAM FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

SHORT TITLE

SEC. 301. This title may be cited as the "Partnerships in Education for Mathematics, Science, and Engineering Act".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics, science, and engineering in the State;

(2) furnish additional resources and support for research, student scholarships, and faculty exchange programs in the fields of mathematics, science, and engineering; and

(3) encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools in the community.

DEFINITIONS

SEC. 303. As used in this title—

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305(b) a local educational agency and the other participants described in paragraph (3) of section 305(b);

(2) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(5) the term "States" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(6) the term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

PROGRAM AUTHORIZED

SEC. 304. (a) The Foundation is authorized, in accordance with the provisions of this title, to make grants to applicants to pay the Federal share of the costs of the activities described in section 305.

(b) There are authorized to be appropriated $30,000,000 for the fiscal year 1984, and $60,000,000 for the fiscal year 1985, to carry out the provisions of this title.

AUTHORIZED ACTIVITIES

SEC. 305. (a)(1) An applicant may use payments received under this title in any fiscal year for higher education programs and activities described in this subsection.

(2) Grants under this subsection may be used for partnership in education programs—

(A) for the improvement of instruction in mathematics, science, computer science, and engineering education at the postsecondary level;

(B) for awarding scholarships to students at institutions of higher education in the fields of mathematics, science, computer science, and engineering;

(C) for the operation of faculty exchange programs by the institutions of higher education and business concerns within the State;

(D) for research in the fields of mathematics, science, computer science, and engineering;

(E) for the acquisition, rehabilitation, and renovation of equipment and instrumentation for use in instruction in the fields of mathematics, science, computer science, and engineering; and

(F) to promote public understanding of science, mathematics, and computer science.

(3) Education partnerships under this subsection may include institutions of higher education, business concerns, nonprofit private organizations, local educational agencies, professional mathematic and scientific associations, museums, libraries, education-

al television stations, and if the State so desires, appropriate State agencies.

(b)(1) An applicant may use payments received under this title in any fiscal year for programs and activities described in this subsection.

(2) A local educational agency may carry out an elementary and secondary school partnership in education program under which—

(A) elementary and secondary school teachers in the schools of local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

(B) personnel of local business concerns and business concerns with establishments located in the community serve as consultants, lecturers, teaching assistants, or teachers of mathematics, science, or computer science in the elementary and secondary schools within the State;

(C) training and retraining is furnished to elementary and secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns;

(D) secondary school students observe, participate, and work in local business concerns and business concerns with establishments located in the community; and

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

(3) Partnerships under this subsection may include local educational agencies, business concerns, nonprofit private organizations, institutions of higher education, professional mathematic and scientific associations, museums, libraries, educational television stations, and, if the State so desires, appropriate State agencies.

APPLICATION

SEC. 306. (a) Any applicant which desires to receive a grant under this title shall submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require. Each such application shall—

(1) describe the activities for which assistance under this title is sought;

(2) provide assurances that not more than 5 per centum of the amount received by the applicant in any fiscal year may be expended on administrative expenses;

(3) with respect to each program for which assistance is sought, provide assurances that—

(A) 30 per centum of the funds for each such project will be furnished by business concerns within the community;

(B) 20 per centum of the funds will be supplied by—

(i) the State,

(ii) the institution of higher education or the local educational agency, as the case may be, participating in the program; and

(iii) the other parties participating in the program;

(C) no stipend will be paid directly to employees of a profitmaking business concern; and

(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

(4) provide assurances that whenever the program for which assistance is sought includes scholarships, the scholarships be awarded to undergraduate students at institutions of higher education within the State who wish to pursue a course of study in mathematics or science, engineering or computer science, and that each student awarded a scholarship under this title will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 307(a) that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Foundation determines essential to ensure compliance with the requirements of this title.

(b) A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

INSTITUTIONAL AND LOCAL APPLICATIONS

SUBMISSION OF APPLICATIONS

SEC. 307. Each applicant within a State which desires to receive a grant under this title shall submit the application prepared in accordance with section 306 to the State agency on higher education or the State educational agency, as the case may be, for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

APPROVAL OF APPLICATIONS

SEC. 308. (a)(1) The Foundation shall establish criteria for approval of applications under this title.

(2) No application may be approved by the Foundation unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

(b) The Foundation shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

PAYMENTS; FEDERAL SHARE; LIMITATION

SEC. 309. (a)(1) The Foundation shall pay, to each applicant having an application approved under section 308, the Federal share of the cost of the program described in the application.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Not more than 15 per centum of the funds appropriated under this title in any fiscal year may be paid to applicants in any single State.

TITLE IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

PRESIDENTIAL AWARDS

SEC. 401. (a) The President is authorized to make Presidential Awards for Teaching Excellence in Mathematics and Science to elementary and secondary school teachers of mathematics or science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

(b) Each year the President is authorized to make one hundred awards under subsection (a) of this section. In selecting elementary and secondary school teachers for the award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADMINISTRATIVE PROVISIONS

SEC. 402. The President shall carry out the provisions of this title, including the establishment of the selection procedures, after consultation with the Secretary of Education, the Director of the National Science Foundation, and other appropriate officials of Federal agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 501. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984".

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding

normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;

(3) the development within forty-five days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of this title, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken.

(b)(1) Not later than six months after the date of enactment of this title, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and,

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504 (b)(2).

(2) Pursuant to section 504, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of section 504(b)(4).

(3) Within sixty days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4); and

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 507 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within ninety days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

SEC. 507. During each of the ten calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

SEC. 509. No State or local educational agency receiving assistance under this title may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 510. Except as otherwise provided in section 508, nothing in this title shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

SEC. 511. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotil", amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this title or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this title, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

(D) the development of a comprehensive testing and technical assistance program.

TITLE VI—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

SEC. 601. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 603. For the purpose of this title—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 604. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 607.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 608.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 605. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b) (2) and in accord-

ance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 606. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

SEC. 607. (a) From the amount reserved under section 604(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 605 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67½ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

SEC. 608. (a) From the amount set aside under section 604(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 604(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

TITLE VII—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

SEC. 702. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

SEC. 703. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 704. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 705. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 706. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 707. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 703;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 708. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for the courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 710. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is makng satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local education agency concerned.

PAYMENTS

SEC. 711. (a) The Secretary shall pay to each local educational agency having an application under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit private elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 712. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

TITLE VIII—THE EQUAL ACCESS ACT

SHORT TITLE

SEC. 801. This title may be cited as "The Equal Access Act".

DENIAL OF EQUAL ACCESS PROHIBITED

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

SEC. 803. As used in this title—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

SEVERABILITY

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, if they so desire, on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

THE INSIDER TRADING SANCTIONS ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 559) to amend the Securities and Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. This Act may be cited as "The Insider Trading Sanctions Act of 1984".

SEC. 2. Section 21 of the Securities Exchange Act of 1934 is amended by redesignating subsection (d) as subsection (d)(1), and adding at the end thereof the following new paragraph:

"(2)(A) Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information in a transaction (i) on or through the facilities of a national securities exchange or from or through a broker or dealer, and (ii) which is not part of a public offering by an issuer of securities other than standardized options, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person, or any person aiding and abetting the violation of such person. The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the profit gained or loss avoided as a result of such unlawful purchase or sale, and shall be payable into the Treasury of the United States. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court. The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

"(B) No person shall be subject to a sanction under subparagraph (A) of this paragraph solely because that person aided and abetted a transaction covered by such subparagraph in a manner other than by communicating material nonpublic information. Section 20(a) of this title shall not apply to an action brought under this paragraph. No person shall be liable under this paragraph solely by reason of employing another person who is liable under this paragraph.

"(C) For purposes of this paragraph 'profit gained' or 'loss avoided' is the difference between the purchase or sale price of the security and the value of that security as measured by the trading price of the security a reasonable period after public dissemination of the nonpublic information.

"(D) No action may be brought under this paragraph more than five years after the date of the purchase or sale. This paragraph shall not be construed to bar or limit in any manner any action by the Commission or the Attorney General under any other provision of this title, nor shall it bar or limit in any manner any action to recover penalties, or to seek any other order regarding penalties, imposed in an action commenced within five years of such transaction.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking "$10,000" from subsection (a) and inserting in lieu thereof "$100,000".

SEC. 4. Section 15(c)(4) of the Securities Exchange Act of 1934 is amended to read as follows:

"(4) If the Commission finds, after notice and opportunity for a hearing, that any person subject to the provisions of section 12, 13, 14, or subsection (d) of section 15 of this title or any rule or regulation thereunder has failed to comply with any such provision, rule, or regulation in any material respect, the Commission may publish its findings and issue an order requiring such person, and any person who was a cause of the failure to comply due to an act or omission the person knew or should have known would contribute to the failure to comply, or take steps to effect compliance, with such provision of such rule or regulation thereunder upon such terms and conditions and within such time as the Commission may specify in such order.".

SEC. 5. Section 20 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provision of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, or privilege with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.".

SEC. 6. (a) Section 3(a)(39) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: ", contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7), or futures association registered under section 17 of such Act (7 U.S.C. 21), or has been and is denied trading privileges on any such contract market";

(2) by inserting before the semicolon at the end of subparagraph (B) the following: ", or is subject to an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.)"; and

(3) by inserting after "municipal securities dealer," in subparagraph (C) the following: "or while associated with an entity or person required to be registered under the Commodity Exchange Act,".

(b) Section 15(b)(4) of such Act (15 U.S.C. 78o(b)(4)) is amended—

(1) by striking out "or fiduciary" in subparagraph (B)(ii) and inserting in lieu thereof "fiduciary, or any entity or person required to be registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.)";

(2) in subparagraph (C)—

(A) by inserting "entity or person required to be registered under the Commodity Exchange Act," before "or municipal securities dealer"; and

(B) by inserting "entity or person required to be registered under such Act," before "or insurance company"; and

(3) by inserting "the Commodity Exchange Act," after "Investment Company Act of 1940," each place it appears in subparagraphs (D) and (E).

SEC. 7. The amendments made by this Act shall become effective immediately upon enactment of this Act.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, and I shall not object, this is a House-passed bill with a Senate amendment which has been agreed to by the House principals, and what this action does is just to pass the bill without having to go through the time and expense of going to conference.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct.

Mr. BROYHILL. Mr. Speaker, does the gentleman want to take a moment to explain the Senate amendment?

Mr. DINGELL. I will be happy to do so, if the gentleman desires.

Mr. BROYHILL. It has to do with the disclosure of information that is available to insiders to those who are trading in options.

Mr. DINGELL. Mr. Speaker, the gentleman raises a point which I know is of special concern.

The bill, as the gentleman knows, clarifies that insider trading in stock derivative instruments such as stock options is illegal, just as in the underlying stock. That was a matter of special concern to my dear friend, the gentleman from North Carolina.

Mr. BROYHILL. This is a loophole that we thought ought to be closed, and the Senate amendment takes care of that?

Mr. DINGELL. Mr. Speaker, the gentleman is correct. The gentleman and I both agree with that, and we applaud that consequence.

Mr. Speaker, I wish to express my support for H.R. 559, the Insider Trading Sanctions Act of 1984. Final congressional action on this legislation is long overdue. Insider trading is becoming commonplace in our markets and threatens to undermine investor confidence and the integrity of our securities markets.

On Monday of this week, it was revealed that the Securities and Ex-

change Commission had served more than two dozen subpoenas in an investigation of what appears to be the largest insider trading ring ever. The SEC is believed to have identified illegal trading activity involving well over $40 million in trading profits, in more than two dozen takeover target stocks and options over a period extending from the late 1970's to the present. More than 20 Wall Street individuals, law firms and securities firms are behind the suspect trades which appear to have been run through several accounts at the Zurich-based brokerage-concern affiliate of a major Swiss bank.

In May, the SEC filed a complaint against a former Wall Street Journal reporter, his roommate, two Kidder, Peabody brokers and a lawyer in connection with a scheme to profit by trading in stocks on the basis of advance knowledge of market-sensitive articles in the Journal's "Heard on the Street" column. This month, one of the brokers, Peter Brant, pleaded guilty to one charge of criminal conspiracy and two charges of securities fraud brought by the U.S. attorney. These criminal charges carry with them a total maximum sentence of 15 years imprisonment and $30,000 in fines. In connection with the SEC civil charges, without admitting or denying any wrongdoing, he consented to a permanent injunction barring him from future securities-law violations and to being permanently barred from the securities business. He also agreed to disgorge $454,437, his share of the profits from the alleged scheme.

An therein lies the critical issue.

In the absence of criminal charges, which are very rare, there is no disincentive. The huge profits that can be made, especially in the options markets, weigh the risk/reward ratio heavily in favor of the crime. Those who engage in insider trading are thieves and the current law is the equivalent of making a bank robber return the loot and then proceed on his merry way after signing a promise not to steal any more—without having to admit he stole in the first place.

This has generated a scoff-law attitude that now has even reached high into the counsels of this administration.

Former Deputy Defense Secretary Paul Thayer was forced to resign from the No. 2 spot at the Pentagon after the SEC filed a complaint against Thayer and eight codefendants who made $1.9 million in profits on inside information passed on to them by Thayer while he was chairman of LTV Corp.

In another case, Thomas C. Reed, a national security adviser to President Reagan, left the White House staff amid charges that he made a profit in the securities of Amax, Inc., as a result of secret information. His father was on the board of Amax, Inc., and the son atypically bought $3,000 in out-of-the-money Amax calls in the name of a private company he headed, right before a tender offer by Standard Oil Co., of California. The calls were suddenly worth more than $427,000. It didn't take Sherlock Holmes to notice someone also named Reed on the Amax board and then to trace the fishy long-distance calls between the two Reeds and the son's California stockbroker.

Mr. Speaker, believe that the broad bipartisan support in the House and the Senate for the Insider Trading Sanctions Act speaks volumes. We strongly disagree with those who would seek to permeate our markets with this type of fraud. The arguments in favor of insider trading are rubbish. Bevis Longstreth, a member of the Securities and Exchange Commission from 1981 to 1984, forcefully laid the pro-insider trading view to rest in an April 12, 1984, New York Times article which I include at the end of my remarks.

The House passed H.R. 559, without objection on September 19, 1983. On June 29, 1984, the Senate Banking Committee was discharged from further consideration of H.R. 559, and the bill was passed by the Senate, after striking all after the enacting clause and inserting in lieu thereof the text of S. 910, Senate companion bill, after agreeing to certain amendments. I commend our colleagues in the Senate for their work on this important legislation.

First, the legislation amends section 21(d) of the Securities and Exchange Act of 1934 to give the Securities and Exchange Commission authority to seek from a court a civil money penalty of up to three times the amount of profit gained or loss avoided by a person who violates, or aids and abets a violation of, the Federal securities laws by purchasing or selling a security while in possession of material nonpublic information.

Second, the legislation amends section 32 of the Exchange Act to increase the maximum fine for a criminal violation from $10,000 to $100,000.

Third, the legislation amends section 15(c)(4) of the Exchange Act to give the Commission authority to bring an administrative proceeding against persons who violate section 14 of the act.

Fourth, the bill clarifies that insider trading in stock derivative instruments such as stock options is illegal, just as it is in the underlying stock.

Finally, the Insider Trading Sanctions Act of 1984 empowers the Securities and Exchange Commission to bar or suspend the registration of a broker who has been disciplined by the Commodity Futures Trading Commission for violations of the Commodity Exchange Act. Currently, market professionals who have violated the Federal securities laws may be barred from performing similar functions in the commodities markets. In extending comparable protection to the securities markets, the bill would rectify this unintended anomaly.

Sections 1 through 4 of the bill, but for technical and clarifying amendments, remain substantially unchanged from the version passed by the House and will be governed by House Report No. 98-355 to accompany H.R. 559. The provisions added by the Senate were explained by Senator D'AMATO in his floor statement which appears at pages 20107-20109 of the June 29, 1984, CONGRESSIONAL RECORD.

In the absence of a report by the Senate Banking Committee or a House-Senate conference report, some questions have arisen in connection with the Senate amendments. In the interests of achieving maximum certainty for those who must comply with the legislation just considered, the following explanation is provided to clarify the Senate amendments:

1. REGARDING SENATE CONSIDERATION OF A DEFINITION OF INSIDER TRADING

Although some commentators recommended that the legislation define the conduct which would be subject to the penalty action, both Houses of the Congress have determined not to adopt a statutory definition of insider trading. By the use of the language "[w]henever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information," the Congress intends that the civil penalty shall apply to any violation under the Securities Exchange Act that entails the communication of, or the purchase or sale of a security while in possession of, material nonpublic information. This language is not intended to define the elements of the underlying violation, or to restrict the existing flexibility of the courts in determining what constitutes a violation of Section 10(b) of the Act, Rule 10b-5, thereunder, or any other provision.

The application of the penalty remedy will continue to rely upon an independent violation of the underlying substantive law of insider trading, as administrative and judicial decisions have construed and continue to construe it. We anticipate that the courts in applying Section 10(b) of the Act and Rule 10b-5 thereunder will be mindful of the necessity, in light of the substantial penalty herein imposed, to avoid unduly inhibiting traders from generating and acting upon valid research information of the sort upon which efficient markets necessarily depend.

2. REGARDING THE NATURE OF THE PENALTY ACTION

Payment of a civil penalty by any person does not extinguish the liability of any other person. The Commission may, in its discretion, seek a penalty from any or all persons covered by this provision.

3. REGARDING INTENDED LIMITS ON PRIMARY LIABILITY FOR THE PENALTY

The legislation is not intended to impose unreasonable compliance burdens on investment companies that would ultimately be borne by shareholders. If an investment ad-

viser to an investment company, without the company's knowledge or approval, directs trades on behalf of the investment company while in possession of material nonpublic information, the investment company and consequently its shareholders should not be subject to the triple penalty.

4. REGARDING THE CLARIFICATION OF ONE ASPECT OF THE PROHIBITION ON INSIDER TRADING

The Senate amendment contains a provision intended to clarify one aspect of the prohibition of insider trading under the Securities Exchange Act of 1934. This provision would make clear that it is not possible to insulate ones self from the prohibition of insider trading by restricting activity to securities that are derivative of the securities to which the material nonpublic information relates. Thus, the provision clarifies that tipping or trading in respect to derivative securities is unlawful to the same extent as tipping or trading in respect to the underlying security. For example, if, in a given set of circumstances, a corporate officer would violate the antifraud provisions by purchasing any securities issued by his employer, subjecting himself to liability to selling shareholders, then he would violate the antifraud provisions to the same extent by purchasing options with respect to these securities, and subject himself to comparable liability to selling option holders and other similarly situated persons in the derivative market. He would also be subject to any other comparable relief, including a Commission injunctive action or, in appropriate circumstances, an action for the civil penalty.

This amendment clarifies the principle that persons under a duty to make public disclosure or abstain from tipping or trading are not free to circumvent such obligations by trading, or tipping others reasonably likely to trade, in the derivative market. The misuse of material nonpublic information in the derivative markets threatens the integrity of, and public confidence in, the nation's securities markets in the same manner as any other abuse of confidential information.

5. REGARDING THE SENATE AMENDMENT TO SECTION 15(C)(4)

In addition to authorizing the Commission to institute administrative proceedings based on violations of Section 14 of the Securities Exchange Act of 1934, the Senate amendment also clarifies the Commission's authority under Section 15(c)(4) to proceed administatively against officers or directors or other individuals who are a cause of a failure to comply with Section 12, 13, 14, or 15(d).

This amendment would eliminate unnecessary burdens, costs, and possible inequities, resulting from the potential bifurcation of proceedings in cases where a Section 15(c)(4) proceeding is the appropriate forum for dealing with violations on the part of an issuer, and it is also appropriate to take enforcement action against the individuals responsible for the violation. The Commission's experience demonstrates that individual corporate officials or others may bear responsibility for untimely or inaccurate filings, or other violations, by an issuer. This amendment is consistent with the Commission's current practice of proceeding against such persons.

6. REGARDING THE SENATE AMENDMENT TO SECTION 3(a)(39)

The Senate amendment expands the definition in Section 3(a)(39) of the Securities Exchange Act of 1934, specifying the conduct that would subject a person to a "statutory disqualification," to include misconduct relating to the commodities markets. Currently, market professionals who have violated the federal securities laws may be barred from performing similar functions in the commodities markets. In extending comparable protection to the securities markets, the amendment would rectify this unintended anomaly. Among other things, this change would make it possible to bar persons who have violated the Commodity Exchange Act from acting as broker-dealers. It would also restrict the ability of such persons to participate in certain public offerings. The amendment would also amend Section 15(b)(4) of the Securities Exchange Act to authorize the Commission to bring administrative proceedings to sanction or restrict the activities of broker-dealers and associated persons, based on misconduct relating to the commodities markets.

[From the New York Times, Apr. 12, 1984]

HALTING INSIDER TRADING

(By Bevis Longstreth)

Over the last three decades, the Securities and Exchange Commission has successfully discouraged most professional stock traders from capitalizing on inside information. Through a combination of rule-making, monitoring, lecturing and enforcing, the agency has bent the norms of business behavior toward the "disclose or refrain from trading" rule.

Yet, as the commission's recent, highly visible campaign against insider trading makes plain, the Government still lacks adequate tools to deter risk takers—those who believe that the potential rewards outweigh the probability of getting caught and the magnitude of the penalty.

The agency's chief deterrents are a civil injunction against further violations, as well as disgorgement of the ill-gotten gains. But how much deterrence can one expect from a sanction that simply compels the thief to return the stolen goods?

Recognizing this inadequacy, the commission asked Congress in 1982 to legislate a civil penalty of up to three times insiders' trading profits. A bill, the Insider Trading Sanctions Act of 1983, was approved by the House and now awaits action by the Senate Subcommittee on Securities, headed by Senator Alfonse M. D'Amato, Republican of New York. The bill (which, in light of the recent S.E.C. investigation of a Wall Street Journal reporter, may be broadened to include those who breach any fiduciary or contract duty) should be enacted swiftly.

The prohibition against insider trading rests principally on the notion of fairness—both specifically, in the operation of the marketplace, and generally, as an ethical concept. Insider trading upsets the notion of a fair securities market in which all investors have substantially equal access to material information and securities are promptly and accurately valued on the basis of all relevant information. More broadly, insider trading offends basic ideas of fairness; in short, as every other nation to consider the matter has also concluded, it is simply wrong.

Nonetheless, a small but highly vocal group—largely free-market economists—argues that prohibitions against insider trading are misconceived and counterproductive. There are two principal points in support of this argument.

First, insider trading hurts no one, because the innocent sellers and buyers who indirectly trade with the insider come to the transaction voluntarily. Since the price was right for them anyway, they have no reason to complain. And, since the market impact of insider trading is always in the direction of more accurate pricing, it serves the goal of pricing efficiency.

Second, capitalism depends on creating high incentives for entrepreneurs who, through skill, energy or foresight, increase the value of the business enterprise that they serve. Insider trading is the only effective way of rewarding them.

Let's look at these points.

Is anyone hurt by insider trading? It is true that people will make independent buy or sell decisions while unaware of confidential information. But it doesn't follow that they should be deprived of the fair value of their investments. Misappropriation of profits is no less wrong because the profits were not anticipated.

Other market participants are also harmed by insider trading. Corporations, for example, may find it more expensive to raise capital if insiders are siphoning off secret profits through informational advantages. Specialists who write stock options have been bankrupted by honoring commitments to insiders. Finally, the markets themselves may suffer. Many believe that rampant insider trading would destroy public confidence in the securities markets, discouraging investors from using securities and, ultimately, impairing capital formation.

Is insider trading an appropriate reward for entrepreneurs? This theory has several flaws:

How do you identify the individual responsible for a given price rise in the stock and restrict the resulting benefit to him?

How do you control the size of this "reward," related, as it is, to the size of the entrepreneur's investment rather than to the quality of his contribution?

Why permit the absurd situation in which an insider—through short selling, options trading or accepting a friendly take-over by someone who sees that better advantage can be made of the corporate assets—benefits as much from bad as from good management?

The arguments in favor of insider trading are, in short, rubbish. But there is a legitimate and widely shared concern about whether the battle against insider trading can be waged effectively. In truth, it cannot be unless penalties are strengthened. The Senate should see that they are.—Bevis Longstreth, a member of the Securities and Exchange Commission from 1981 to 1984, is a partner with Debevoise & Plimpton.

● Mr. WIRTH. Mr. Speaker, capital formation and our Nation's economic growth and stability depend on investor confidence in the fairness and integrity of our capital markets. Insider trading threatens these markets by undermining the public's expectations of honest and fair securities markets where all participants play by the same rules. Insider trading is destructive and cannot be tolerated.

But, under current law, insider trading is virtually a no-risk practice. Under the Federal securities laws, the only remedy available to the SEC is an injunction against further violations of the securities laws and disgorgement of illicit profits. This merely restores an unscrupulous trader to his

original position without extracting a real penalty for his illegal behavior. The risk of simply giving up profits fails to outweigh the temptation to convert illicit information into enormous profits.

Insider trading has become a more widespread problem in recent years, with the increase in mergers and tender offers, which often result in immediate and dramatic price movements in the stock of a target company. With the growth of the options market, a small investment in options can yield enormous profits if the underlying stock increases in value as a result of a tender offer announcement or other news. This potential for immense profits is a powerful lure to this illegal activity.

As we have seen by the increased incidences of insider trading, even the SEC's stepped up enforcement program against insider trading has failed to halt the abuses. The SEC simply must have the tools to deal with this problem effectively.

Passage of H.R. 559 is a critical step in curbing insider trading. This legislation gives the Securities and Exchange Commission authority to seek from a court a civil penalty of up to three times the amount of profit gained or loss avoided by a person who trades while having inside information. Passage of this legislation is long overdue.

H.R. 559 was first considered in hearings of the Subcommittee on Telecommunications, Consumer Protection and Finance on April 13, 1983. The bill was reported by the subcommittee in July 1983. The full committee took it up in early August, and it was passed by a unanimous voice vote. In September of last year, it passed the House.

A number of my colleagues worked exceptionally hard in the effort to move the legislation. EDWARD MARKEY, AL SWIFT, MICKEY LELAND, JOHN BRYANT, JIM BATES, HENRY WAXMAN, MATTHEW RINALDO, JAMES BROYHILL, CARLOS MOORHEAD, MICHAEL OXLEY, BILLY TAUZIN, and GERRY SIKORSKI joined Chairman DINGELL and me in sponsoring the bill.

I want to acknowledge the work of Senator D'AMATO in passing the bill. Although the bill, as amended and passed by the Senate, is virtually identical to the House bill in most respects, the changes made by the Senate are, in my view, good additions. Senator D'AMATO spent much time struggling with the issue of defining insider trading, but decided, as we did, to leave that issue to the evolving case law under section 10(b) of the Securities Exchange Act of 1934 and rule 10b-5.

The House report on the legislation (No. 98-355) explains its provisions in some detail. It is a strong report, intended to give guidance to the Securities and Exchange Commission and the courts. To the extent that the Senate amendments differ from the House bill, Mr. DINGELL has submitted a statement explaining the purpose of those amendments.

While the bill is intended to provide an increased penalty for insider trading, and is not intended to change the sustantive law, the report makes clear the congressional intent that the courts construe the antifraud provisions of the Federal securities laws broadly, to remedy insider trading abuses.●

Mr. BROYHILL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

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CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 559, TRADING SANCTIONS ACT OF 1983

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 340) to correct technical errors in the enrollment of the bill H.R. 559.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 340

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 559) to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1 of the bill, strike out "'The Insider" and insert in lieu thereof "'the Insider".

(2) In section 15(c)(4) of the Securities Exchange Act of 1934 (as contained in section 4 of the bill—

(A) strike out "to comply, or take steps" and insert in lieu thereof "to comply, or to take steps"; and

(B) strike out "such provision of" and insert in lieu thereof "such provision or".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the concurrent resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 1492, CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Mr. GARCIA. Mr. Speaker, I call up the conference report on the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 28, 1984.)

The SPEAKER pro tempore. The gentleman from New York [Mr. GARCIA] will be recognized for 30 minutes and the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I yield to myself whatever time I may consume.

Mr. Speaker, in support of H.R. 1492, the Christopher Columbus Quincentenary Jubilee Act has already been agreed to by the other Chamber. The differences in the two versions of the bill, for the most part, were primarily technical. The conference proceeded without difficulty, and as far as we are concerned on this side of the aisle, this is a good piece of legislation, and I might add that it has already been passed by this body. So, in essence, what we are essentially doing is reaffirming our support for H.R. 1492.

The bill establishes a commission to help organize and coordinate activities celebrating the voyages of discovery by Christopher Columbus. It is a very important event. Indeed, it is one of the most important events in the history of this hemisphere. In the relatively short period of time since Columbus made his first voyage 500 years ago, the history of the world has changed dramatically. Our role in that process began with the courageous voyages of Columbus and those who supported him.

H.R. 1492 gives us an opportunity to not only celebrate Columbus' achieve-

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ment, but to explore the many cultural expressions which have evolved from the migrations and development following Columbus' voyage.

All Americans owe an enormous debt not only to the Mediterranean cultures which Columbus represented, but also to the cultures which were brought here or that further evolved after his voyage. The diversity of these cultures continue to bind us together in many different ways, Mr. Speaker, from Canada in the north to Tierra del Fuego in the south. I hope, therefore, that the Commission members will use the jubilee year of 1992 to encourage a wide range of artistic and cultural activities which will enhance our knowledge and understanding of these cultures so as to accomplish what Columbus literally tried to do with his voyages: To make the world small enough so that a single person can encompass it.

This event deserves to be commemorated. A moderate sum of money has been included in this legislation to ensure that the commemoration is successful. It is not an—and I repeat, Mr. Speaker—it is not an excessive amount, and I believe that this funding ensures that the commemoration will be successful. I urge my colleagues to adopt this conference report.

Mr. Speaker, with that I would like to yield to my colleague—before I yield to my colleague, the gentleman from New Jersey, I will reserve the balance of my time, and now I will yield to my colleague, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I rise to wholeheartedly support this legislation. This proposal, which was shepherded by the gentleman from New York [Mr. GARCIA] so ably over a long and sometimes difficult course for a period of time is finally before this body for decision. And I want to commend him for his leadership and his efforts in support of this legislation.

I also want to applaud the gentleman from Illinois, my good friend and colleague [Mr. ANNUNZIO] for his leadership in sponsoring this legislation assuring that this proposal would come to the floor of the House for action.

Mr. Speaker, I urge our speedy approval of the conference report on H.R. 1492, to establish the Christopher Columbus Quincentenary Jubilee Commission.

Eight years from this coming October will mark the 500th anniversary of Columbus' historic landing in the New World. It is imperative that the Commission be expeditiously established, for 8 years is little time to prepare for our celebration of this landmark event. Plans are already underway in other nations, and in particular in Spain and Italy, to participate in events to honor Columbus' great accomplishment.

The Commission will develop, encourage, and coordinate plans for appropriate ceremonies, commemorations, and educational activities to pay tribute to the courageous and dedicated Genovese navigator whose voyages of discovery were a milestone in the history of mankind. Christopher Columbus heroically braved the myth and mysteries of the unknown Western seas to open the New World to civilization and colonization. So he is very rightly called the father of immigration.

But I envision, Mr. Speaker, that in 1992 we will do much more than celebrate Columbus' bold and daring venture. For the quincentenary year will give our Nation a truly national celebration, similar to our bicentennial in 1976. It will offer an opportunity for all Americans to reaffirm our faith in the future and our willingness to face with courage and confidence the grave challenges that confront our Nation.

In 1992 we will commemorate a magnificent human achievement. But we will also have a year to reflect on what problems can be overcome, what progress can be made, if we guide ourselves by the same virtues of determination, courage, faith, and vision that brought Columbus successfully through that long, dark and lonely first voyage into an unknown world.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from the State of Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I want to pay tribute to the gentleman from New York [Mr. GARCIA] for his diligence in shepherding this legislation not only through the House, but through the conference committee meetings where he made a tremendous contribution in bringing the conferees together so that we could have this excellent legislation before us today. I want to urge my colleagues in the House to vote for and pass this legislation, because it is an historic event. The quincentennial of the discovery of America is something that all Americans, regardless of their nationality, their religion or their creed, can be proud of, because this great continent has withstood the test of time.

H.R. 1492 is a strong step toward planning and coordinating local, national, and international observances, to take place in 1992, in honor of the discovery of America by Christopher Columbus 500 years ago. In 1892, the 400th anniversary of the discovery of America was celebrated in the United States with Chicago's world-renown Columbian Exposition, and Chicagoans have been planning and preparing for several years to bring a World's Fair to Chicago in 1992 to coincide with the Columbus Quincentenary Jubilee.

The Christopher Columbus Quincentenary Jubilee Commission's work will complement the work already being done in my own city of Chicago in preparation for this historic occasion, and should be of great assistance in bringing to the attention of the Nation and the world to Chicago's grand world fair celebration.

Mr. Speaker, H.R. 1492 will ensure that our country's Christopher Columbus Quincentenary Jubilee celebration can be adequately planned in a thoughtful, dignified, and creative way, and again, I strongly urge my colleagues in the House of Representatives to support the conference report on this legislation.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding. I rise in support of H.R. 1492.

This bill will establish a Christopher Columbus Quincentenary Commission to plan and coordinate the celebration of the 500th anniversary of the discovery of the New World.

In 1492, when Columbus first set eyes on the New World, the course of history was irrevocably changed.

The New World embodies not merely a place on the map, but an ideal of adventure and a state of mind.

The New World represents new thoughts, new challenges, and new dreams.

Who could have known, as those explorers first approached our shores, that a new civilization would emerge, binding the hemispheres, creating new possibilities for culture, cooperation, and commerce?

Who could have predicted the birth of American democracy?

Who could have foreseen the growth of new nations, their impact on world events, their contributions to the worlds of art and ideas?

Mr. Speaker, as we approach the 500th anniversary of this great discovery, it is appropriate and fitting that we create a commission to plan the celebrations.

We have an opportunity, between now and 1992, to think about the Americas, who we are, where we came from, what we share, and the future we can build together.

We have an opportunity, between now and 1992, to remember the common threads of Western civilization, and to rethink and revitalize our relationship with our brothers and sisters to the south.

I want to thank those who have labored to pass this bill, particularly the distinguished Member from New York [Mr. GARCIA] and the distinguished Senator from Maryland [Mr. MATHIAS].

I believe their work will support a grand celebration, which we and our children and people throughout the New World will long remember.

I would also pay tribute to the Mundus Novus Foundation and its founder, Mr. Henry Raymont, who I consider a good friend and an important and provocative thinker.

The Mundus Novus Foundation is a private group, formed to stimulate and coordinate a decade of observance of the discovery.

The foundation seeks to harness our century's channels of learning and expression into a search for new ways of looking at the discovery and the half millenium that followed.

In a statement of purpose the foundation eloquently describes the cause for the celebration:

Since Columbus' voyage of 1492 linked together the two hemispheres of our planet, a new civilization emerged, alliances were made and broken, new doctrines and philosophies were proclaimed, denounced, and embraced—and yet in spite of this surge of growth, decay and transformation, the western world remained an enduring spiritual concept as well as a practical reality.

Mr. Speaker, when I think of H.R. 1492, and when I think of the Mundus Novus Foundation, I am reminded of the end of the "Great Gatsby," where Scott Fitzgerald imagines the feelings of the first explorers who laid eyes on the New World:

Its vanished trees, the trees that had made way for Gatsby's house, had once pandered in whispers to the last and greatest of human dreams; for a transitory enchanted moment Man must have held his breath in the presence of this continent, compelled into an aesthetic contemplation he neither understood nor desired, face to face, for the last time in history, with something commensurate to his capacity for wonder.

Mr. Speaker, I urge support for H.R. 1492, so the people of the New World can celebrate and better understand and cherish this important moment in history.

I commend the following articles for the consideration of my colleagues:

[From the New York Times, Oct. 10, 1983]

COLUMBUS CAN MEAN A STILL NEWER WORLD

(By Henry Raymont)

WASHINGTON.—How do we in the United States celebrate Columbus Day?

In the nation's capital, schools and Federal workers enjoy a long weekend with scarcely any public recognition that Oct. 12 was the day in 1492 when Christopher Columbus, a Genoese navigator, and his three Spanish caravels reached the New World.

In New York and other major cities, public officials tend to mark the anniversary by honoring Italy or Spain, depending on the size of the Hispanic and Italian American communities—as if the epic journey was something less than a joint enterprise involving both Italian knowledge and Iberian navigational skills, all inspired by the questing spirit of the Renaissance.

What happened to the perception that made our forefathers view Columbus Day as the symbol of the key that unlocked the golden door to the New World? Was not Columbus' marvelous voyage the event that linked hemispheres and, in the words of the Harvard historian John Fiske "mingled the two streams of human life which had flowed for countless ages apart"?

That the significance of Columbus Day should elude most children in the United States and more than a few educated adults is not surprising. It can be attributed partly to the appalling neglect of world history in our primary and secondary schools and partly to the confusion that surrounds Christopher Columbus' voyage and its consequences.

First, there are the familiar disputes over who really discovered America: Columbus? Amerigo Vespucci? The Chinese? The Norsemen? The Irish? The Africans? All of this obscures the incontrovertible fact that not until 1492 was significant contact established between the Eastern and Western halves of our planet.

More divisive than these academic disputes are the rival interpretations of the conquest and settlement that followed and the influence they continue to exert. What Spain saw as its divinely ordained civilizing mission, its imperial enemies—Britain, France, the Netherlands and later the United States—assailed as cruel, wanton and driven by the lust for gold, Spanish historians responded by denouncing the Anglo-American colonies as godless, materialistic and crude. Since the 16th century, it has been difficult for any historian to approach the subject of the New World without any emotional bias.

The controversy surfaced last December during a United Nations debate in which Ireland, Scandinavia, Africa and Asia succeeded in blocking a Spanish-Latin America-United States resolution calling for a worldwide celebration of the 500th anniversary of the Columbian enterprise in 1992.

What remains, however, is the sobering reality that as the quincentennial approaches, neither the Old World nor the New is quite sure if it is facing disaster to civilization or a new phase of human understanding. No new light, however, will illuminate human understanding if each society clings to its pet historical truth. A great Mexican poet, Octavio Paz, always alive to the large philosophical implications of what is going on in the world, said recently: "We in the 20th century have discovered pluralistic man, different in all places. . . . I believe that the civilization of the future will either be a dialogue of national cultures or there will be no civilization."

This is wise counsel, particularly when we begin to despair over troublesome times that are made to appear all the more intractable for lack of historical perspective. There can scarcely be a more appropriate occasion then the years leading to the 500th anniversary to take a new, more understanding and compassionate look at 1492 and the events that flowed from it.

Perhaps we need to again gasp and take pride in what might be called the storybook truth about the New World: That the Americans were settled by peoples seeking new frontiers and status in a hemisphere free of the oppressiveness of the old European order. The fact that the New World's two hemispheres are physically far apart and were developed by two predominant cultures—Iberian Roman Catholicism and Northwest European Protestantism—should not obsure, as it frequently does, the common striving for freedom, democracy and justice that is the miracle of the new American man.

A "dialogue of national cultures" is the theme we need to celebrate on Columbus Day: We need to take stock of the heritage that the New World received from the Old, and from the American Indians and Africa and Asia. We need to transcend parochial biases and thus make possible a fuller understanding of self and others.

MUNDUS NOVUS' STATEMENT OF PURPOSE

A man of clear ideas errs grievously if he imagines that whatever is seen confusedly does not exist; it belongs to him, when he meets with such a thing, to dispel the mist, and fix the outlines of the vague form which is looming through it—John Stuart Mill.

Others had reached the Western Hemisphere before. The landing of Christopher Columbus on 12 October 1492 was different: it dispelled the mists that had kept the Old and New Worlds for countless centuries apart and beckoned a westward movement that has continued into our age.

It was as if the Renaissance sent Columbus onto the stage of history on a mission that would provide the framework for the West's new energies that could now be released. The hopes and trials it brought the world then is the embryonic form of our hopes and trials today.

In a time very much like our own—of urban expansion, scientific discovery, the threat of war, social turmoil, evolving economies and new frontiers of art and education—the leaders, scholars, artists and thinkers of the Renaissance achieved a very discernible unity. It was not perfect. It did not abolish the afflictions of war, famine or the ambitions of states.

But it did succeed in persuading the disparate cultures of 15th and 16th century Europe that they shared common ways of thinking and understanding the world around them. Under the impact of that revelation, a new society, a new age of art, thought, science and concept dawned in the shadowed corridors of history. We are its heirs.

In the commemoration of the Columbus Quincentennial, the Mundus Novus Foundation will use the experience of the Renaissance as its guide. It will emulate an era which harnessed philosophy, poetry, history, graphic arts, science, music and commerce to promulgate the ideals which lay at the heart of its humanistic culture. It will combine celebration with reassessment and renewal.

With many nations planning observances, the Quincentennial is bound to be the largest secular celebration in modern history, magnified in the glare of electronic communication. But unless the message of 1492 is distinct, the anniversary is in danger of being rendered into a passing moment of national exaltations.

We believe that a strong argument can be made that its outstanding significance is to civilization as such, rather than to this or that national culture: that 12 October 1492 gave birth not merely to a new phenomenon of geography but to a spiritual and political concept synonymous with what today we know as the western world.

There can scarcely be a more appropriate occasion for serious public reflection about the origins, present state and drift of the West—how its dreams of democracy, equality, tolerance and justice, although never fully realized, have endured as a powerful and influential force not only in the shared

values of the Old and New Worlds but eventually for all humanity.

Like the Renaissance, the New World knew no bounds to curiosity, no limits to versatility. New in nature, new in experience and new in the rich convergence of Indo-American, European, African and Asian peoples, it fixed the outlines of a looming new presence in history—the miracle of the American man, the new Adam—which in turn helped the Old World rejuvenate itself.

The whole face of the planet has now been knit together physically by the unprecedented advances of science and technology already set to conquer space. But there has been no corresponding advance in understanding for the way in which human beings in another cultural setting feel, think and plan. It may therefore be more important than ever for a western civilization nurtured by the belief in its inexorable progress, to the point where it paid relatively little attention to its humanistic past, to rediscover that past.

Toward this end, Mundus Novus will devote the years remaining until 1992 to work with other concerned private and official institutions, propounding and coordinating an incremental program of study and commemorative events that will be international in scope and conception and present an open-minded picture of the variety and creative effort of our interrelated cultures. Our theme, inspired by Octavio Paz, is to observe the Quincentenary as "a dialogue between men and cultures."

We conceive our essential function to be that of cultural translator—not only of languages but the more difficult one of making values and concepts of one society intelligible to other societies, of acquiring a feeling for diversity so that we may consult other answers to common problems. For translation introduces a different language and a different language means a different way of thinking about and perceiving the world.

Just as the Columbus enterprise conquered medieval myths and the physical barriers of the Great Ocean Sea, so the enterprise of its Quincentenary must be made to challenge the barriers of ignorance, prejudice and fear that still obstruct the fulfillment of western ideals. We may need to recognize that not all conflicts of values can be finally resolved by a Hegelian synthesis but can, perhaps, become adjusted through compromise and accommodation so that they reinforce, enrich and sustain, rather than convert, combat or destroy each other.

The Columbus Quincentennial, approaching at a time of pervasive pessimism about the future of the West, should be cast as a unique opportunity for taking stock of our condition and to encourage a new Renaissance of culture, thought and human understanding. For we know the importance of learning from the past, particularly when we begin to despair over troublesome times—made to appear all the more intractable for lack of historical perspective.

The Advisory Board: Octavio Paz, Chairman; German Arciniegas, Leonard Bernstein, John Brademas, Masha Dichter, Helen Escobedo, Carlos Fuentes, Inmaculade de Habsburgo, Pedro Lain Entralgo, Jaime Laredo, Roderick MacLeish, Juan Marichal, Eduardo Mata, Richard M. Morse, Gay Talese, Eduardo Terrazas, Victor Urquidi, Ramon Xirau—Tepostlan, Mexico, March 11, 1984.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in full support of H.R. 1492, the conference report establishing the Christopher Columbus Quincentenary Jubilee Commission. It is only appropriate that our Nation develop a program to commemorate the deeds of this courageous voyageur who discovered the New World. The history of our Nation and that of the world would be very different indeed if Columbus had not had the courage and persistence to set sail on his perilous journey of discovery. All Americans, but particularly Americans of Italian ancestry, have much to take pride in this historic voyage. They have played a vital role in all stages of America's growth. Indeed, it can be said that Italian Americans discovered, named, and helped to build America.

As this legislation indicates, this commemorative Commission would be known as the Christopher Columbus Quincentenary Jubilee Commission and will plan and execute appropriate activities marking the 500th anniversary of the voyages of discovery of Christopher Columbus.

The Commission would consist of 30 members appointed by the President, the Speaker, and the Senate majority leader. The President would be authorized to invite participation by the Governments of Italy and Spain in a nonvoting capacity.

In an effort to minimize overcommercialization in the U.S. Bicentennial Celebration, this bill limits the amount of individual and corporate contributions. Also, the Commission's focus, as stipulated in the bill, will be educational, not commercial. Activities may include conferences and seminars, the production of books, films, pamphlets, and other educational materials, the development of libraries, museums, and exhibits. The Commission will also conduct appropriate ceremonies and celebrations honoring specific events and issue commemorative stamps, coins, and medals. All these activities will be conducted at a minimum expense to the taxpayer and for the benefit of all Americans.

Mr. Speaker, the 500th anniversary of the journey that planted the seed that grew into America as we know it today, is not very far away. In order to properly honor the birth of our great Nation and the voyage of the courageous adventurer Christopher Columbus, we should start our planning now. Accordingly, I urge my colleagues to support H.R. 1492.

□ 1330

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California [Mr. COELHO].

Mr. COELHO. I would like to inquire about some language in the Senate report, not found in the House report. As the chairman knows, this legislation authorizes the President to invite the Italian and Spanish Governments to appoint nonvoting members to the Commission. It also authorizes the Secretary of State to invite the participation of other nations in events planned and conducted by the Commission. However, the Senate report goes on to say that "Portugal, given its large role in the life of Columbus, should be given special consideration by the Secretary of State in extending any such invitations."

As my colleagues may know, Christopher Columbus, although born in Italy, lived on the Island of Madeira, Portugal, beginning in 1476. His first wife, Felipa Moniz, was the daughter of a Portuguese navigator, and it is here that he learned the skills which would ultimately take him on that now famous maiden voyage to find the westward passage to the Orient. The Portuguese were the great navigators of the day, and it is said that Columbus studied under the watchful eye of the renowned Prince Henry the Navigator.

As a Portuguese American, I am proud of the special role Portugal played not only in the life of Christopher Columbus, but in the heritage and culture of our entire hemisphere. The Portuguese explorer, Pedro Alvares Cabral, was the first European to reach Brazil. That was in 1500. And as a Californian, I am especially proud that Juan Rodrigues Cabrillo, known as the "discoverer" of California, was born in Portugal.

In view of the important role that Portugal played in those voyages which are so much a part of the heritage of this Nation and this hemisphere, I would ask the chairman if he would have any objection to accepting the language of the Senate report in recommending that Portugal be invited to participate in the events planned and conducted by the Commission. I might add here, Mr. Chairman, that I have discussed this matter with our colleague, BILL DANNEMEYER, and he indicated that he would have no objection.

Mr. GARCIA. Will my colleague yield back to me?

Mr. COELHO. I am happy to yield.

Mr. GARCIA. The answer is we would have no problem with it. There is no question in my mind that not only the Italian peninsula but the Iberian peninsula played a major role in this discovery of the Americas. So if that is what the Secretary of State wishes and desires, I would second that motion.

Mr. DANNEMEYER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the conference report for H.R. 1492, the 500th anniversary of

Christopher Columbus' voyages to America and congratulate Congressman GARCIA for his help in making this a reality.

I encourage my colleagues to approve this conference report so that timely preparation may be made for this jubilee celebration; 1992 seems a long way off to us, but for those who will be preparing for this celebration, each day of these 7½ years is needed. For a project of this scale, the year 1992 is approaching rapidly.

I realize that there have been objections to Federal spending for this program, but the sacrifice is small in this case for the benefits which we will reap. We are only talking about $220,000 per year through 1992, for a total of $2 million. And this bill provides for a very limited staff of 22 people in addition to the noncompensated commission members—this hardly creates a new bureaucracy. Finally, the program will be coordinated so as not to conflict with other key anniversary celebrations—such as the Chicago Fair—in 1992.

I would also like to bring to the attention of my colleagues the importance of the Bahamas to this jubilee celebration. I have said during House consideration of this legislation that all Americans should participate in the celebration. I also believe that peoples who share our heritage of Christopher Columbus should share in this. Consider if you will the case of San Salvador, a small island on the eastern side of the chain of Bahamian Islands. Regardless of the historical debate over Columbus' first landing, the fact is that he did land on the island of San Salvador, and this marked the first landfall in the New World. Ignorance of this historical fact would be inappropriate to the intent of this legislation. San Salvador shares with the United States the importance of Columbus' voyages, and the participation of Bahamians or American Bahamians will enhance this celebration immensely.

For these reasons, I propose that we encourage the Secretary of State to allow the full participation of Bahamians. The language of H.R. 1492 clearly allows for—even encourages—such participation. Under this bill, the President, the majority leader of the Senate, and the Speaker of the House have the authority to appoint members to the commission at their discretion. I believe that outstanding Americans of Bahamian descent should be considered for these positions. I ask my colleagues to keep in mind the intent of this legislation to provide for joint participation of Western Hemisphere nations which share the Columbian heritage with the United States. At the very least, then, we should allow the Bahamas observer status on the Commission.

Mr. Speaker, the Bahamian people join us in looking forward to the 500th anniversary celebration of Columbus' landing. As Mr. Philip Smith, a Bahamian Member of Parliament, has said:

> We need to explore with the peoples of the Americas the areas of commonality and thereby establish closer ties.

Those of us behind this bill have worked to assure its smooth passage, and this House has already agreed about the importance of this event. I now ask my colleagues to join me in supporting this sound conference report.

Mr. DANNEMEYER. I yield to myself such time as I may consume.

Mr. Speaker, I rise in opposition to this conference report reflecting in a sense the views of 123 of our colleagues who voted against this measure when it was on the Suspension Calendar on June 21 of last year. I regret to take this position, quite frankly, because I support the concept of a commission being established for the purpose of recognizing the contribution of Christopher Columbus in the history of America. I support the commission.

But what we seek to do with this legislation today really plows new ground. You have to admire the proponents of this legislation because they really have watched out for some folks whom they hope to place as chairman or on the commission staff when it gets organized.

Listen to this. This bill will authorize 20 staff positions at a maximum of GS-18 at $66,400 a year; one at level 5, $66,400, and then, of course, the director, he or she gets the most at level 4, $69,900. That staff is going to work over the course of next 8 years figuring out how to precisely direct and plan and commemorate the contribution of Christopher Columbus to the history of America.

That is almost a dream world for any staff person to get involved in because I really do not think it is going to take them 8 years to do it. And I really wonder if that is a good use of the taxpayers' money.

When you add up the cost of this bill before us, I will remind my colleagues, it comes to $2 million. But when you extrapolate the salaries that will be available for these staff people over the course of the next 8 years, you find the cost is a minimum of $13,147,200. That is the cost if people are hired at the maximum. I do not think there are many Members around here who believe that these job slots are going to be filled at less than the maximum.

So if we say that it is a $2 million bill we can see additional applications for appropriations in future years to flesh out the need for this commission to really work its will.

I would like to comment on other commissions that have been organized in the course of the last 4 or 5 years, that really makes a very interesting contrast.

□ 1340

For instance, the Vietnam Veterans Memorial was built in America, built right here in Washington, DC, with not a dime of taxpayers' money. We did not have any commission staff paid out of the Federal purse for them to do their work. They just organized, the Congress of the United States created that commission, but we did not put in any Federal money.

Also the German people who had a little bit to do with the development of America celebrated their tricentennial celebration in 1983 called the German American Tricentennial Celebration, and we did not use any Federal money in that effort.

They organized, a Federal commission was created, no Federal money was involved in that.

So I question really whether we should be going down the road of authorizing these sinecures, which is what they are, these Federal slots of employment.

And there is another feature of this employment that should be mentioned: The bill provides, interestingly enough, that the people who get these jobs are exempt from civil service requirements, meaning they do not have to take an examination. All they have to do is pass the examination by the one person that counts; that is the head of the commission.

And of course he will reward his friends; that is politics in America, we do not deny that. They do not have to take the examination. But wait a minute: the bill provides that even though they do not have to pass or take an examination under civil service requirements, now get this, staff are going to be eligible for civil service retirement as a result of their 8 years of public service laboring in the trough, I mean in the work of this commission to determine how we are going to honor Christopher Columbus.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Nebraska.

Mr. DAUB. On that point, are you saying that those hired could have the entitlement of the Ramspeck Act and then bump other Federal employees after their 8 years of employment and take a job without ever having had to take a test in the first place?

Mr. DANNEMEYER. Now, I cannot answer that question. Maybe our esteemed colleagues on the majority side can answer that. I do not know the answer to that.

Mr. GARCIA. Will my colleague yield?

Mr. DANNEMEYER. I would be glad to yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

If I may respond to my colleague from Nebraska [Mr. DAUB], I think our colleague from California is painting a picture that in terms of its accuracy I was hoping to let him finish so that I would be able to respond, because when you take $69,000 as an annual salary and you divide into $220,000, which is the total number of dollars that we are getting annually, I do not see how you can get more than three employees.

Mr. DAUB. That was not my question. My question was, would any or all of those employees, if employed more than 5 years under this commission, would they be entitled to bump into the system under the Ramspeck Act as if they were a Hill employee?

Mr. GARCIA. I would respond to my colleague from Nebraska, I am not prepared to respond to that. I would say to him I will try to get the answer. It seems unlikely, but there is a possibility that may exist, but let us see if we can clarify it for you.

Mr. DAUB. I thank the gentleman.

Mr. DANNEMEYER. I thank my colleague for that contribution, but I would like to carry this thought of civil service retirement a little further. Each of the staff would be entitled on eligibility for civil service retirement to obtain $9,628 each year for a lifetime annuity. In other words, if you know the chairman of this commission and get one of these jobs, you are going to get up to about $66,000 a year for the next 8 years and then on your retirement, $9,600 a year; not a bad deal if you can pull it off; all at taxpayers' expense.

I just do not think in view of our deficit situation that this is something we should be talking seriously about.

I want to remind my distinguished colleagues here that last week we saw some of our friends in San Francisco celebrating the Democratic Convention. And let me quote from Mr. Mondale in some of the things that he said in his acceptance speech:

> So tonight we come to you with a new realism, ready for the future and recapturing the best in our tradition. . . . We know that government must be as well-managed as it is well-meaning. . . . One last word to those who voted for Mr. Reagan, you did not vote for $200 billion deficit. . . . Here is the truth about the future. We are living on borrowed money and borrowed time. These deficits hike interest rates, clobber exports, stunt investment, kill jobs, undermine growth, cheat our kids and shrink our future. . . . To the Congress, my message is we must cut spending and pay as we go. If you don't hold the line, I will. That is what the veto is for.

That is what Mr. Mondale said last week in San Francisco. Now, this week in Washington, DC, I wonder how many of my colleagues of the House will give life to those high-sounding principles uttered by Mr. Mondale, the Democratic nominee for President.

And then lest we leave anybody out, Ms. FERRARO had these things to say about these same ideas of deficit spending: "The rules say we must not leave our kids a mountain of debt." Let me comment that here we have the opportunity to remove one rock from this mountain. If we don't remove rocks how can we move mountains? Ms. FERRARO also stated:

> It isn't right that every year the share of taxes paid by individual citizens is going up.

My response to those words are: Are not the taxes of those in Queens and those in Elmore going to pay for this commission's staff when other commissions have been paid by the benevolence of the American public without being taxed for it?

Do we trust the generosity of the American people to give to this worthy cause or do we not trust the generosity of the American people and feel we have to authorize this level of spending?

Members, I think the responsible thing for us to do is to vote down this conference report today. We should be able under the rules of the House, if the procedure permitted, which it did not, to offer an amendment to strike out the money appropriated for this effort. This commission should stand on its own feet just like the German Tricentennial Commission stood, just like the Vietnam Memorial Commission stood; there is no reason or principle why we have to appropriate Federal money. But unfortunately, as we all know on the Suspension Calendar this Member or any Member was precluded from offering an amendment to take out that money.

For that reason, I ask for your "no" vote.

Mr. GARCIA. There are a couple of points I would like to make to set the record straight.

No. 1, there will be an annual appropriation of $220,000 for the seed money for this commission. What we are hoping to do is similar to what we did in 1976, when we went out to the corporate world and were able to get contributions from the private sector, from individuals as well as corporations.

The only difference this time is that we do not want any one corporation to dominate the quincentenary. We ask corporations to contribute up to $50,000 to this commission. There is a cap of $25,000 for individuals who want to contribute. The bulk of the money to support this commission is going to come from the private sector, which my colleague from California is so concerned about.

It is important to understand that when he talks about maximum salaries of $66,400 with seed money of $220,000, we would only end up with three employees to run a commission. That is not the purpose.

Another point, the employees of this commission would not, let me repeat that, would not be under civil service retirement if they have temporary or term appointments or are employed intermittently. The overwhelming majority of the people who will be working at this commission will fall into that category.

It is important that we set the record straight.

Finally, now that we are approaching the 500th birthday of the discovery of the Americas even poor Christopher Columbus has been injected into the campaign; the Presidential campaign of 1984. I would hope that the spirit of Christopher Columbus understands that this is the nature of the hemisphere he discovered.

We are now partisan in determining whether in fact we should have a quincentenary celebration. So I say to my colleague from California that I have all due respect for him. I think he has been consistent because of his votes against the MX missile and the funding for that type of program. It is consistent what he is doing today.

□ 1350

I would, like many of my colleagues, like to see reductions in large appropriations, particularly for defense programs.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

I would say that I voted against this bill when it was on suspension because I had hoped we would have a chance to amend it along the lines the gentleman from California had outlined.

But I think I am now going to vote in favor of this conference report because I think it is very important that we do take this step to begin to establish the commission that will help us celebrate the 500th year anniversary of the discovery of America.

I would like the gentleman from California [Mr. DANNEMEYER] to recall the words he quoted to the Members of this House from Vice President Mondale's remarks to the Democratic Convention in his acceptance speech. He ended up by saying that if the Congress would not exercise the necessary restraints then he would exercise a veto.

I would say to my friend from California that in the event this bill passes, perhaps we will see whether the President will veto it or not. If the President does not choose to veto it, then we will know where he stands on the issue and if he does, I would certainly, as one Member, give very seri-

ous consideration to voting to sustain the veto which I suspect we will not get a chance to have a vote on.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I would yield so the gentleman may respond to our colleague.

Mr. DANNEMEYER. I thank the gentleman for yielding.

I am just curious of my friend from Georgia [Mr. LEVITAS] if he would care to speculate as to what Mr. Mondale would do on this bill relative to the exercise of a veto were he in the White House and the bill were presented to him.

Does the gentleman think he would veto this bill?

Mr. LEVITAS. If the gentleman would yield further, I cannot speculate. I had no idea he was going to ask our colleague from New York [Ms. FERRARO] to run, so I certainly could not speculate how he would act on a matter of this sort.

I simply make the point that if the President wants to use a veto, because this is excessive spending, I think we ought to give him that opportunity. And I, for one, pledge to the gentleman and to the President that I would give very serious consideration to upholding that veto for the reasons that the gentleman mentioned.

I would have liked to have seen the President, for example, veto $8½ million for the International Monetary Fund to bail out some of the big banks in this country or some of the other programs.

If the President will exercise the necessary discipline and send us a balanced budget, I would like to vote for that, too, as I know the gentleman from California would.

Mr. DANNEMEYER. If the gentleman will continue to yield, I would hope, as long as we are talking about a collateral matter, that this House, rather than sending this President a continuing resolution which will cover the funding of the Federal Government for the next year, the balance of the year, that we would have the political courage to send this President individual appropriation bills so that the reality of the existence of the veto could in fact be considered by this President.

As it is, we have sent a continuing resolution downtown that, for all practical purposes, denies the President the veto.

Mr. LEVITAS. If the gentleman will yield further, I would simply like to express my appreciation for the opportunity to vote. I wish we had had the chance to strike the funding, but since that is not possible, I think it is important that we adopt this conference report and then begin to focus on some of the other important issues that still face the Congress during the last days of this session.

Mr. GARCIA. Mr. Speaker, in response to my colleague from Nebraska on his question dealing with the Ramspeck provisions. They will not—and let me repeat that again—they will not have the benefit of this provision which applies primarily to congressional employees.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Speaker, what I would first like to do is to congratulate my good friend, BOB GARCIA, from across the river, who was very much instrumental in working out the compromises on this piece of legislation which I rise definitely in support of.

I know that we spend a great deal of time in this body talking about the expenditures of money. I do not think I have to take a backseat to too many Members of this House in my desire to act prudently and responsibly when it comes to the expenditures of taxpayers' money. Indeed, often we spend too much. We spend money without really looking at the issue. It is simply theory that we sometimes adopt here that we solve all problems by throwing a few dollars at them hoping that they will go away. But they do not.

We are talking about, in this particular commission, a small sum of money, which Commission is designed to celebrate a crucially important event in the history of our country, 500 years, 500th anniversary of the voyage of Christopher Columbus.

I know that when people from this country go to Europe they marvel at churches that are 600 years old, 800 years old, 1,000 years old. They look at history that goes back 1,000 years, 2,000 years. We do not have that. I suppose the oldest thing we have in this country is this 500th year anniversary. I think it would be a terrible shame and I think it would be a sincere mistake because of the expenditures of a modest sum of money over a 6-year period or an 8-year period that we do not go forward to commemorate a historical event that we ought to be deeply proud of.

As I mentioned before, I would like to thank Members on both sides of the aisle for their cosponsorship. I urge all Members, if there is a recorded vote as some Members indicate there will be, that they vote in favor of establishing this commission so we can move on to saving real money.

● Mr. CLAY. Mr. Speaker, I rise in support of the conference report on H.R. 1492, to establish a multimember commission for the purpose of planning, coordinating, and conducting activities commemorating the 500th anniversary of the voyages of discovery of Christopher Columbus. The legislation represents our Nation's response to those voyages—voyages that formed the roots of our national existence.

The House Post Office and Civil Service Committee's report (98-150) states that appointments to the Commission are to be divided between Congress and the executive branch to ensure the broadest representation of the American people, especially women and minorities.

During committee consideration of this legislation I offered an amendment to add the words "black people" to the language of the bill since the bill as originally considered had specific references that Italians and Hispanics should take pride in the accomplishment of Christopher Columbus but neglected to include blacks. My amendment was to take note of the fact black people served with Columbus in varying and important capacities. Indeed, a black man, Vincente y Pinzon, served as captain of the *Nina*.

In lieu of citing the accomplishments of certain groups, the committee decided in favor of language citing "all Americans"—a move which I supported and which was unanimously adopted by the committee. It was my intention, and the committee agreed, that this language should emphasize that "all Americans" in this country should take special pride in the accomplishments of their ancestors with respect to Columbus' voyages. To this end, we need to be reminded of the significant role black people played in this historic event as well as the development of the Western Hemisphere in general and the United States in particular.

I raise this issue today to ensure that once this legislation is enacted that: First, blacks be appointed to the commission; and second, when the commission begins planning the celebrations it should include the contributions made by blacks to the voyages we are commemorating.●

● Mrs. SCHNEIDER. Mr. Speaker, though academics may differ as to who should receive recognition for having discovered America, none can argue the important role that Christopher Columbus played in opening up the New World. Today we are voting to establish a commission to commemorate the 500th anniversary of the arrival of the *Nina*, the *Pinta*, and the *Santa Maria* on the shores of Santo Domingo, an historic occasion which marked the beginning of the Americas as we know them today. This lonely Italian seafarer had the courage and tenacity to stake his life on his firm conviction that there was indeed a passage to the east through the west. Only through the foresight of Queen Isabella could his dream come true. We Americans owe a great debt of gratitude to this first Italo-American.

A great tradition was started that day in 1492, which lives on today. Since that time, millions of Italians

have come to the shores of the New World to seek a new life filled with opportunities for freedom, and the chance for a better life. In my own State of Rhode Island, the Italian community has participated in, and improved, every aspect of life. Italians have made major contributions in education, the arts, and public service. Such a man was John O. Pastore, an Italo-American who served Rhode Islanders and the Nation with dedication, integrity, and distinction. He is but one of many Italo-Americans who have helped make this Nation what it is today. Other Italo-Americans such as Enrico Fermi, Fiorello LaGuardia, and Arturo Toscanini have all left their mark on American society.

I urge my colleagues to join me today in supporting H.R. 1492. This bill will provide the essential organization and coordination so that we may pay tribute to this Italian sea captain who set out on a sea of disbelief destined to return as the discoverer of the New World.●

Mr. MORRISON of Connecticut. Mr. Speaker, I urge the adoption of the conference report. The 500th anniversary of the journey of Christopher Columbus to the New World will be an occasion for celebrating what our country is all about.

The story of our Nation is the story of immigrants, a story of journeys from the old to the new, from the past to the future. Christopher Columbus led the way for the millions who followed, and in celebrating his journey we celebrate the American experience.

I would like to share with my colleagues the story of two of those who followed the path of Christopher Columbus: My constituents Steve and Margie Cenotti. Their story is told by their granddaughter, Jennifer Butler, of Hamden, CT, in a book which she wrote and published called "A Legacy of Love."

Steve Cenotti's parents, Angelo and Maria Cenotti, left their native village, near Naples, early in this century, and settled in New Haven, CT, where Steve was born. Angelo shoveled coal for $1 a day. When he found work building highways, a job which kept him away from home for months at a time, Maria and the children returned to Italy, where they lived as sharecroppers with nine other families on a communal farm.

Steve returned to New Haven when he was 13. He began school—6 months of kindergarten, the second grade, the fourth grade, then sixth grade, all in 2 years. He went to work as a farm laborer, as a water boy on a road crew with his father, as a delivery truck driver, and then, in 1931, a operator of a gas station.

Margie's parents, Frank and Nancy Testa, had met and married in Italy. They immigrated to Woodbridge, CT, where Frank became a farm laborer and Nancy a maid for "wealthy Yankees." Soon they were able to rent a small farm, where Margie was born. Margie attended a one-room school in Woodbridge—where she graduated first in her class—and then Hillhouse High School in New Haven. By the time she was a teenager, Frank and Nancy had saved enough to purchase their own small farm.

Margie and Steve married in 1933. At her mother's suggestion, Margie began to sell fruits and vegetables from the family farm at the gas station that Steve was running. Steve and Margie were soon able to buy the gas station, and built a house on the property. Over the years, "Margie's Open Air Market" became a New Haven institution. Like so may others in the greater New Haven area, I always knew that I could find the best fruits and vegetables at Margie's.

Margie and Steve worked from sunup to sundown, 7 days a week, until they reluctantly retired and sold their business in 1983. To the greater New Haven community, they left a legacy of 50 years of service to their children and grandchildren, in the works of their granddaughter, "an outstanding example of sharing, hard work, and a legacy of love."

When we celebrate the legacy of Christopher Columbus, we celebrate the legacy of Steve and Margie Cenotti and the generations of immigrants and their sons and daughters who have made this country what it is. In the words of our distinguished colleague from New York, GERALDINE FERRARO:

> America is the land where dreams can come true for all of us. * * * Our faith that we can shape a better future is what the American dream is all about. The promise of our country is that the rules are fair. If you work hard and play by the rules, you can earn your share of America's blessings.

When we celebrate the anniversary of Columbus' journey, we celebrate the achievements of the past and the promise of the future. We celebrate the American dream.

I hope all my colleagues will join me in supporting the creation of the Christopher Columbus Quincentennial Commission to plan for an appropriate, fitting celebration in 1992.

Mr. DANNEMEYER. Mr. Speaker, I yield back the balance of my time.

Mr. GARCIA. Mr. Speaker, repeating once again to my colleagues of Italian ancestry, many of whom have placed the Christopher Columbus bill before us, I just want to remind everybody, especially because this is the Year of the Woman, that it was a Spanish woman who gave Christopher Columbus the money to get here.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. DANNEMEYER. 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 279, nays 130, not voting 24, as follows:

[Roll No. 315]

YEAS—279

Ackerman	Feighan	Martin (NC)
Addabbo	Fish	Martin (NY)
Albosta	Florio	Martinez
Alexander	Foglietta	Matsui
Anderson	Foley	Mavroules
Andrews (NC)	Ford (MI)	Mazzoli
Annunzio	Ford (TN)	McCloskey
Applegate	Fowler	McCollum
Aspin	Frank	McDade
AuCoin	Frost	McEwen
Barnard	Fuqua	McGrath
Barnes	Garcia	McHugh
Bateman	Gaydos	McKernan
Bates	Gejdenson	McKinney
Beilenson	Gephardt	McNulty
Bennett	Gibbons	Mica
Berman	Gilman	Michel
Boehlert	Glickman	Mikulski
Boggs	Gonzalez	Miller (CA)
Boland	Gray	Mineta
Boner	Green	Minish
Bonior	Guarini	Mitchell
Bonker	Hall (IN)	Moakley
Borski	Hamilton	Mollohan
Bosco	Harkin	Moody
Boucher	Harrison	Morrison (CT)
Boxer	Hawkins	Morrison (WA)
Britt	Hayes	Mrazek
Brooks	Hefner	Murphy
Brown (CA)	Hertel	Murtha
Broyhill	Hightower	Myers
Bryant	Horton	Natcher
Burton (CA)	Howard	Neal
Carney	Hoyer	Nelson
Carr	Huckaby	Nichols
Chandler	Hughes	Nowak
Chappell	Hutto	O'Brien
Clarke	Hyde	Oakar
Clinger	Jeffords	Oberstar
Coelho	Johnson	Obey
Coleman (MO)	Jones (NC)	Ortiz
Coleman (TX)	Kaptur	Ottinger
Collins	Kastenmeier	Owens
Conable	Kemp	Panetta
Conte	Kennelly	Parris
Conyers	Kildee	Pashayan
Coughlin	Kindness	Patterson
Courter	Kleczka	Pease
Coyne	Kogovsek	Pepper
D'Amours	Kolter	Perkins
Darden	LaFalce	Pickle
Daub	Lantos	Porter
Davis	Lehman (CA)	Price
de la Garza	Lehman (FL)	Quillen
Dellums	Leland	Rahall
Dickinson	Lent	Rangel
Dicks	Levin	Ratchford
Dingell	Levine	Regula
Dixon	Levitas	Reid
Donnelly	Lewis (CA)	Richardson
Dowdy	Lewis (FL)	Ridge
Downey	Lipinski	Rinaldo
Durbin	Long (LA)	Ritter
Dwyer	Long (MD)	Rodino
Dymally	Lott	Roe
Early	Lowry (WA)	Rose
Eckart	Lujan	Roth
Edgar	Luken	Roukema
Edwards (CA)	Lundine	Rowland
Erlenborn	MacKay	Roybal
Evans (IL)	Madigan	Russo
Fascell	Markey	Sabo
Fazio	Martin (IL)	Savage

Sawyer	Spratt	Walgren
Scheuer	St Germain	Weaver
Schneider	Staggers	Weiss
Schroeder	Stark	Wheat
Schulze	Stokes	Whitley
Schumer	Stratton	Whitten
Seiberling	Studds	Williams (OH)
Shaw	Swift	Winn
Shelby	Tallon	Wirth
Shuster	Taylor	Wise
Sikorski	Thomas (GA)	Wolf
Sisisky	Torres	Wolpe
Skelton	Torricelli	Wortley
Smith (FL)	Towns	Wright
Smith (IA)	Traxler	Wyden
Smith (NJ)	Udall	Wylie
Smith, Robert	Valentine	Yates
Snowe	Vandergriff	Yatron
Solarz	Vento	Young (AK)
Solomon	Volkmer	Young (FL)

NAYS—130

Akaka	Gore	Olin
Andrews (TX)	Gradison	Oxley
Archer	Gunderson	Packard
Badham	Hall (OH)	Patman
Bartlett	Hall, Ralph	Paul
Bedell	Hall, Sam	Penny
Bereuter	Hammerschmidt	Petri
Bethune	Hance	Pursell
Bevill	Hansen (UT)	Ray
Biliraki s	Hartnett	Roberts
Bliley	Hiler	Robinson
Breaux	Hillis	Roemer
Broomfield	Holt	Rogers
Brown (CO)	Hopkins	Rudd
Burton (IN)	Hubbard	Schaefer
Byron	Hunter	Sensenbrenner
Carper	Ireland	Sharp
Chappie	Jacobs	Shumway
Cheney	Jenkins	Siljander
Coats	Jones (OK)	Skeen
Cooper	Kasich	Slattery
Corcoran	Kazen	Smith (NE)
Craig	Kostmayer	Smith, Denny
Crane, Daniel	Kramer	Snyder
Crane, Philip	Lagomarsino	Spence
Daniel	Latta	Stangeland
Dannemeyer	Leach	Stenholm
DeWine	Leath	Sundquist
Dorgan	Livingston	Synar
Dreier	Lloyd	Tauke
Duncan	Loeffler	Tauzin
Dyson	Lowery (CA)	Thomas (CA)
Edwards (OK)	Lungren	Vander Jagt
Emerson	Mack	Vucanovich
English	Marlenee	Walker
Erdreich	McCain	Watkins
Evans (IA)	McCandless	Weber
Fiedler	McCurdy	Whitehurst
Fields	Miller (OH)	Whittaker
Flippo	Molinari	Williams (MT)
Franklin	Montgomery	Wilson
Frenzel	Moore	Zschau
Gekas	Moorhead	
Goodling	Nielson	

NOT VOTING—24

Anthony	Ferraro	Marriott
Biaggi	Gingrich	Pritchard
Campbell	Gramm	Rostenkowski
Clay	Gregg	Shannon
Crockett	Hansen (ID)	Simon
Daschle	Hatcher	Stump
Derrick	Heftel	Waxman
Edwards (AL)	Jones (TN)	Young (MO)

□ 1410

Messrs. DYSON and SHARP changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1985

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

The Clerk read the resolution, as follows:

H. RES. 551

Resolved, That during the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, lines 1 through 15; beginning on page 3, line 23 through page 6, line 10; beginning on page 9, line 15 through page 10, line 5; beginning on page 11, line 9 through page 12, line 6; beginning on page 14, lines 3 through 6; beginning on page 25, line 21 through page 26, line 20; beginning on page 43, lines 7 through 16; beginning on page 47, line 3 through page 49, line 9; beginning on page 52, line 3 through page 53, line 12; beginning on page 56, line 8 through page 57, line 10; beginning on page 63, lines 15 through 21; and beginning on page 65, lines 1 through page 4; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 17, line 19 through page 18, line 9; and beginning on page 47, lines 3 through 22.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 551 is a simple rule which waives points of order against certain provisions of H.R. 5973, the Department of the Interior and related agencies appropriation bill for fiscal year 1985, for failure to comply with the provisions of clause 2 and clause 6 of rule XXI.

Clause 2 of rule XXI prohibits a general appropriation bill from containing appropriations for unauthorized purposes or language which has the effect of changing existing law. Waivers of this rule are necessary for 21 appropriating paragraphs of this bill because fiscal year 1985 authorizations for the programs appropriated for in these paragraphs have not been finally enacted, and because some of the paragraphs contain legislative language. I should point out that bills authorizing the programs appropriated for in these provisions are at various stages in the legislative process. Many have been reported by committee and some have been passed by the House or by the Senate, but, until the authorizing legislation is actually signed into law, a waiver of clause 2 of rule XXI is needed to allow consideration of these provisions.

Clause 6 of rule XXI prohibits a general appropriation bill from containing a reappropriation of previously appropriated funds. A waiver of this rule is necessary for two paragraphs of H.R. 5973 because these provisions provide that unexpended balances of funds appropriated for one purpose in a previous fiscal year are made available for a different purpose in fiscal year 1985.

Mr. Speaker, this rule contains no provision for consideration of H.R. 5973. As a general appropriation bill, it has privileged status and may be brought up for consideration without any such provision in a rule. The terms of general debate on the bill will be set by a unanimous consent request by the manager of the bill. Amendments will be considered under the regular rules of the House. Any amendment which is not in violation of those rules will be in order.

Mr. Speaker, H.R. 5973 appropriates $8.5 billion for the Department of the Interior and related agencies in fiscal year 1985. These funds will support such diverse activities as the operation of our National Park and National Forest Systems, energy research and development and conservation efforts, Indian health services, leasing of mineral and timber rights on federally owned lands, historic preservation, support for the arts and humanities, and establishment of a U.S. Holocaust Memorial Council. All of our districts are touched by these activities. The quality of life for our constituents is improved as a result of these expenditures.

Mr. Speaker, we have a very limited number of legislative days left in our schedule this session. If we are to avoid relying on a massive continuing resolution to fund our Government—and I think that method of establishing fiscal policy is irresponsible and undermines the authority of Congress and its Members—it is absolutely necessary that we move ahead quickly with consideration of the remaining regular appropriation bills. Therefore, I urge the adoption of this rule so that we may proceed to the immediate consideration of the Interior and related agencies appropriation bill.

□ 1420

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. We all admit that there is controversy in regard to the Synthetic Fuels Program. The program was created for a very good reason, and it is no fault of this Congress that the program is not working as well as it should. We should jerk it up, pull some hair, and get the program working. That is what we must do.

It is a matter of national security that we must pass this rule and get down to the business of passing the Department of the Interior appropriations bill. If something should happen in the Persian Gulf, we could be denied the oil that we get from that region. We would then have a tremendous crisis, and it would be because we cannot create synthetic fuels on instant notice.

We must go forward with the program as envisioned in the beginning. If it is cut, in fact, some $9 billion, it does not mean that $9 billion is going to go to the reduction of the deficit. It means that some other agency is going to grab back that $9 billion and spend it. So what we must do, with reason and with caution, is do what is necessary to move the synthetic fuels program forward.

In this Nation we have enough coal to last for centuries. We must be able to convert it with coal gasification and other techniques. We must do whatever is necessary to develop that ability.

I urge adoption of the rule.

Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the rule, and urge my colleagues to vote against the rule.

I do so not because of what this rule contains—the routine waivers of points of order against unauthorized appropriations—or because I oppose the Interior appropriations bill. In fact, I will support the Interior bill. I am opposing this rule because of what it does not contain.

Despite the desire of more than 230 of our colleagues to reform the Synthetic Fuels Corporation's Program, this rule does not permit an amendment to be offered to rescind funds from that bloated and wasteful corporation. I had proposed, and printed in the RECORD, an amendment providing for a $9 billion synfuels rescission; Congressmen WOLPE and SYNAR had proposed a $10.2 billion rescission. Whatever the amount, the important thing is that the synthetic fuels program has been like an unguided missile, with too much money landing on too many ill-conceived projects. We need to defeat this rule so that an amendment can be offered to cut back on this disgraceful waste of taxpayers' money.

Mr. Speaker, synthetic fuels were the wave of the future back in 1980. But since then, oil scarcity has turned to glut and the price of imported crude has dropped more than 25 percent. Oil imports are down 33 percent, and the strategic petroleum reserve contains over 410 million barrels of oil. Circumstances have changed, but the Synthetic Fuels Corporation has not.

To my friends who want to see a continued synthetic fuels program, I say that the only way a quorum can be restored on the Board of Directors is with a significantly scaled back corporation. The current stalemate between Congress and the administration will continue unless the program is cut back to a more reasonable level. The only way to save the Synfuels Program is to cut it back.

Just look at the list of projects funded by the Synfuels Corporation and you see a consistent pattern of waste and abuse. You see sweetheart deals, outdated technologies, shaky private support, and obscene price supports. A GAO report released yesterday revealed that the Union Oil shale project will be getting $1 million a day in price supports for 6 years. And that's not all! It's also getting $3.4 billion in tax breaks!

That's the kind of obscenity you expect from Penthouse, but it can't be tolerated from a Federal corporation.

The time has come to stop bailing out the pet projects of the big oil companies. The Synthetic Fuels Corporation has about $13.3 billion left; my $9 billion rescission will still leave enough money for the truly worthy projects—more than enough to demonstrate the synfuels technology.

Mr. Speaker, the choice is clear. Even the supporters of synfuels aren't trying to justify the corporation's actions.

My colleagues over on this side of the aisle are going to campaign this year on the question of fairness, on the question of corporate welfare, on the question of balancing the budget, and on the question of environmental protection. Well, as I said this morning, now is the time to put up or shut up!

People who vote for this rule are voting for the big black Cadillacs and the private airplanes, for the vested interests in this country, and against the poor people.

Are you going to flush another $9 billion down the corporate rat hole while the Democratic Presidential candidate talks about raising taxes?

Are you going to keep subsidizing the big oil companies to the tune of $1 million a day—$1 million a day for 6 years—to build environmentally harmful projects, or are you going to worry about that poor constituent back home going to work every day, 40 hours a week, sweating like hell and paying taxes?

This is going to be one of the most crucial issues that you will vote on this year. If we don't stop this, it's going to be another scandal. Vote no on this rule.

□ 1430

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise, as I rarely do, in support of a rule.

Now, my colleagues will remember that some years ago when the Synthetic Fuels Corporation legislation was before this body, I was about as unpopular as an illegitimate child at a family reunion. That was because I felt that the bill at that time went too far and that it unwisely afforded access to the public treasury for enormous sums of money to people who would not spend it correctly. Those expectations have been realized, but still I urge my colleagues to support this rule—for a very special reason. I urge them to support it because when you are out to do in something as irresponsible and as evil as the Synthetic Fuels Corporation, you should do it thoroughly, and you should do it all the way. You should not do it by halves. You should not do it by thirds.

Now, my colleagues here know that I have spent considerable time, in the Subcommittee on Investigations and Oversight of the Energy and Commerce Committee investigating the Synthetic Fuels Corporation and the way that its Board of Directors and officers have behaved. Their behavior has been both shameful and shameless. They have been exceedingly careless with the public money, but they have been extraordinarily careful to live very well at the public expense, while contributing nothing to the public wealth.

Now, these rescissions which would be offered by my good friends and colleagues, and I commend them for their concern, would cut the amount of money that can be spent by the Synthetic Fuels Corporation back to $2 billion, or to some slightly larger sum of money. That is probably a desirable thing, but those rescissions will still leave in place the Synthetic Fuels Corporation.

Now, the Board of Directors and the employees of the Synthetic Fuels Corporation remind me of a very highly pampered congregation of well fed, well cared for hogs. They have slopped exquisitely well at the public trough and they needed apparently very little in the way of instruction on how it is

that they should live well at the public expense.

Let me share with my colleagues just a few of the extraordinary excesses we have uncovered at the Synthetic Fuels Corporation.

Salaries. In an unrestrained orgy of spending, Synfuels officials have lavished money on themselves in high salaries, outrageously generous fringe benefits and luxurious headquarters. Eight Synfuels officials earn more than Cabinet secretaries. Five others are paid at the $69,000 Cabinet level, and 55 of the agency's 177 employees make more than $50,000 a year. The Synfuels Corporation president earns $135,000 a year, and one vice president makes $108,000!

Fringe benefits. All Synfuels employees are allowed to sock away 6 percent of their salaries in a savings-retirement plan, to which the Federal Government contributes 50 percent more. The SFC also pays the full cost of medical and dental insurance, and vests employees 50 percent with retirement benefits within 6 months of their employment—and fully vests them within 1 year. These benefits are unheard of in other Government agencies or for that matter in the private sector.

Luxury accommodations. The SFC is headquartered in four floors of prime office space in downtown Washington. The building is equipped with saunas, as well as squash and racquetball courts. Synfuels officials signed a 5-year $10 million lease! To achieve the appropriate degree of splendor, $522,919 was spent by the SFC to refurbish their headquarters. The costs included $14,661 for the services of an interior decorator, $374,739 for furniture, and $83,260 for carpeting the executive suites.

Travel. Synfuels executives have been diligently exploring golf courses, sauna baths and night clubs around the world. The Corporation's travel expenses amounted to almost $600,000 in 1981-82. The vice president for technology is clearly the Marco Polo of Synfuels. Some months he is away from his office for more than 10 working days. He flies to energy industry meetings in such posh resort areas as Palm Springs, Aspen, London, Bermuda, Brussels, and Dusseldorf.

If the rule is rejected and if the amendments are accepted, you will have eliminated potentially a few projects, but you will have left this well-bred congregation of fatted and well-living hogs slopping well and comfortably at the public trough.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will yield to the gentleman in just a minute, and I do apologize to the gentleman. I have the spirit in me and I have to let it forth.

The hard fact of the matter is that the Board of Directors of the Synthetic Fuels Corporation and all of their friends, cronies, and relatives will continue to build the most extraordinary group of retirement benefits, the most splendid offices, the most delightful vacation programs and the most extraordinary salaries within the power of the Federal Government to give. They will live extremely well at the public expense.

My plea to the body here today is a very simple one. The Synthetic Fuels Corporation is not going to give up in the absence of an adequate number of members for a quorum and there is no prospect that they will get one. And it is unlikely that, in the foreseeable future, there will be any new projects.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. FROST. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. DINGELL. Mr. Speaker, what I would urge my colleagues to do is let us be like the old bull and the young bull. The young bull said, "There are cows in the other field. Let us run down and entertain one." The old bull said, "Son, let us walk down and entertain them all."

My counsel is, let us be patient. Let us wait. Let us attend to the Synthetic Fuels Corporation in a proper way when we can.

In the meantime, they are as ineffectual as they can be. We can attend to them properly through the legislative process instead of through an inadequate mechanism that simply cuts back on the amount of money they can spend on projects. If we were to take that course, we could deal with the absolutely splendid style of living to which they would like to become permanently accustomed rather than merely reducing their overall budget.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, let me ask the gentleman, and we appreciate this assurance, I happened to have been a supporter of the program up to this point.

Mr. DINGELL. I was really not.

Mr. DICKS. But I think it should be reformed. Now, I know it is investigation and oversight, but can we expect substantive changes in the program?

Mr. DINGELL. Oh, let me tell the gentleman this: I have never given my word on this floor that I am going to do somebody in that I did not do so.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to begin by yielding to the gentleman from Iowa. I understand he has a question he would like to address to the chairman of the committee.

Mr. TAUKE. Mr. Speaker, I thank the gentleman for yielding.

If I could have the attention of the distinguished chairman of the Energy and Commerce Committee before the gentleman leaves, I was listening to his comments and I get the strong impression that the gentleman is willing to bring forth a measure which would abolish the Synthetic Fuels Corporation.

I wonder if the gentleman could tell us when we might mark up this bill in committee to get rid of the Synthetic Fuels Corporation, and I am sure the gentleman from Mississippi will yield so he can answer that question.

Mr. LOTT. Mr. Speaker, I would be glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, just as soon as we have the proper substance and the proper opportunity, I assure the gentleman that that will be my goal.

Mr. LOTT. Mr. Speaker, I rise in strong opposition to this rule. I wish it were possible to simply defeat the previous question here and amend the rule to make in order the Conte and Wolpe-Synar amendments to rescind $9 billion and $10.25 billion for the Synthetic Fuels Corporation. But unfortunately, the precedents indicate that it is not in order to amend a rule on the floor to make in order a nongermane amendment, so our only recourse is to send this back to the Rules Committee and let them put those amendments in order with the necessary waivers. We lost it on a 4-to-7 vote yesterday.

Mr. Speaker, I am not one who is enamored with waiving rules or making in order nongermane amendments. Ordinarily our plate is full enough without having to introduce additional courses. But I am convinced in this instance the waivers are necessary because we're really not talking about piling more on our plates—we're talking about trimming some fat—$9 to $10 billion in Federal fat to be precise. We're talking about going on a little fiscal diet around here which is long overdue given our deficit situation. We're not talking about a crash diet that will starve the Synthetic Fuels Corporation to death. Even with the rescissions provided in the Conte and Wolpe amendments we're still left with about a $9 billion synthetic fuels program.

Back on June 27 of this year I joined with my leadership colleagues on this side of the aisle in writing to the President in support of the synthetic fuels policy he announced on May 14. In that letter we expressed our agreement with the need to rethink the level of Federal subsidies available for the Synfuels Program. We said, and I quote, "Especially in light of the need to eliminate unnecessary Federal

spending, continuing massive subsidies to the corporate sponsors of uneconomic synfuels projects are indefensible." We went on to indicate that the President's proposal to rescind half the moneys available to the Corporation is, and I quote, "a good compromise that all of us can support."

In a June 26 letter to the author of one of the rescission amendments, Mr. CONTE, OMB Director Stockman expressed the administration's strong support for his attempt to offer the rescission amendment to the Interior appropriations bill. In response to those who argue that no outlays will result from the $19 billion in budget authority available for synfuels subsidies, Mr. Stockman wrote, and I quote:

> Virtually every dollar committed to a project by the Synthetic Fuels Corporation will lead to a dollar of outlays. The prudent adjustment proposed by the President and embodied in your amendment recognizes this changed reality and would protect the deficit from a synthetic fuels outlay hemorrhage while preserving a program that in total is equal to nearly forty times the annual DOE Fossil Energy research budget.

Mr. Speaker, if there was ever a time for us to waive the rules to help restore some fiscal sanity around this place, this is it. This is not a half-baked proposal. The Conte amendment to rescind $9 billion narrowly lost in the Appropriations Committee by a vote of 17 to 23, while another Conte amendment to rescind $5 billion lost on a vote of 19 to 22. Over 230 of our colleagues have cosponsored H.R. 4098, the Synthetic Fuels Corporation Fiscal Accountability Act which calls for a reform of the program. I have received a letter signed by some 13 national organizations urging that these rescission amendments be made in order—groups that include the Sierra Club, the Wilderness Society, Friends of the Earth, Environmental Action, and the National Audubon Society.

While this vehicle may not be the most perfect one to carry out this policy, we should understand that realistically it's the last train leaving the station this year. You can talk about rules violations and committee jurisdictions until you are blue in the face, but the fact remains that this is the only way we are going to get a vote on this issue and have a chance to save some $9 to $10 billion in one fell swoop. Both of our party platforms will be long on rhetoric about deficits this year, but here's an opportunity to put our votes where our platitudes are.

Let's vote down this rule, send it back to the Rules Committee and bring back a rule that gives us this last chance to strike a major blow for fiscal responsibility in this Congress.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the distinguished chairman of the subcommittee.

Mr. YATES. I think that there is the opportunity to consider it if OMB would send a Presidential rescission request to the Congress, which it has not done. OMB has professed to be opposed to further funding of synthetic fuels projects, and yet it has not yet sent down an appropriate rescissions request. If that request were sent down here, it could be considered within 1 week, at the longest 25 days need go by before it can come to the floor as a matter of highest privilege.

The fault here lies at the doorstep of OMB.

I would hope, speaking for myself and for the Interior bill, that the rule were sustained, because I would not want the same fate for the Interior bill that befell the Transportation bill. I would not want it wound up in the Transportation Subcommittee.

Mr. LOTT. Mr. Speaker, if I could reclaim my time, I really think that by defeating this rule now and making these other amendments in order we might help the gentleman in his effort to pass this bill. There is opposition to the bill now because of not having this opportunity that might not be there if given the opportunity of at least debating it.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield on that point?

Mr. LOTT. I would be glad to yield to the gentleman from North Carolina.

Mr. BROYHILL. I would like the attention of the gentleman from Michigan, because my understanding is on that very point that the legal counsel for OMB said that this could not be done legally and that the Congress would have to take the initiative to change the law in order to rescind this.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Michigan.

□ 1440

Mr. WOLPE. I thank the gentleman for yielding.

I simply would like to indicate that a number of members of the House Budget Committee did approach the administration with a letter requesting precisely the action of their initiative for rescission. We received back a letter in response saying they did not believe they had the authority because of the unique manner in which the SFC was created in the first place and that is the nub of the problem.

Mr. YATES. Will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Illinois.

Mr. YATES. The problem was OMB did not send down a pure rescission request. It sent down a multiple request, and under the Rules of the House that was referred to a legislative committee.

Mr. LOTT. I urge my colleagues to vote against this rule.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker, I think we need to look back in the 1970's and around 1980 when those of us who were here were experiencing gas lines and people were demanding that something be done about it. I think we have to go back, and my good friend from North Carolina and many of the others, the distinguished majority leader, were here. If you go back and look at the circumstances that existed back in that period of time and ask yourselves has that changed, are we energy sufficient: no, we are not energy sufficient. We are in a temporary glut and prices have been depressed.

But we have no assurances that that is going to continue year after year when just recently we saw almost daily that some barge tanker in the Persian Gulf was burning afire, and that could happen again today. Other disruptions could happen to the world's supply of oil.

Next week, with the concurrence of the leadership, we hope to bring up the authorization bill for the Department of Energy and at that time I plan to offer an amendment that would transfer some approximately $2 billion from the SFC into the Department of Energy to be used over a period of years for small demonstration projects, not commercial size and not laboratory size, that could demonstrate nonnuclear technology, could be energy conservation, solar, geothermal, fossil, preparation of fossil fuel, all manners of types that could be utilized for that so that when we do need this technology, whether it be the SFC or SFC, Jr., or whatever, that we will have the better expertise in order to make technical decisions about the important issues that we will be facing.

I hope we will not use a meat ax today and try to remove all of this money. I have not been pleased at the SFC. I am disappointed. But let us not wreck the whole program just because we do not like somebody that is in there or somebody's mismanagement that may have taken place.

So I urge that we support this rule and support the bill. It comes from the Appropriations Subcommittee on Interior. Many other programs, all of the energy programs with the exception of weatherization, will be subject to a point of order, and I do not think we in this House want to assume the responsibility of having the other body write our energy legislation.

We have a responsibility in this House. I think we can do that.

The gentleman from Michigan has indicated his interest in trying to work to improve and make functional the Synthetic Fuels Corporation. I hope we can do that, and I hope that we can approve this rule, we can act in a responsible fashion and try to move to solve our energy problems.

My friends, listen to me. Our problems are only temporary right now as far as thinking they are solved. They are a long way from being solved in this country, and this country is even more dependent on oil today than we have ever been before. We have had problems with acid rain. We have problems with our nuclear industry. Our solar industry, opportunist as it may be, has not been able to achieve what we would like it to do.

We have a lot of problems facing us and I hope we can move this rule and get on with the business of trying to solve our energy problems.

Mr. RUDD. Will the gentleman yield?

Mr. FUQUA. I will be delighted to yield.

Mr. RUDD. I hope the wisdom of the gentleman in the well's remarks will not go over the heads of the people here because the synthetic fuels industry in South Africa, which I recently visited, has proved that we can have synthetic fuels at the rate of about $2.50 a gallon for gasoline.

Mr. Speaker, twice during the 1970's this Nation found itself grossly unprepared to deal with a serious energy crisis. Nevertheless, once the waiting lines cleared at the gas pumps, we quickly forgot the pain. We forgot how vulnerable we really are to manipulation of our energy supplies from abroad.

It is only a matter of time before our own oil and gas reserves are depleted. By the next decade, the United States will likely import between 40 and 45 percent of its petroleum, up from the current one-third. By the year 2010, it is projected that domestic oil reserves will be only 44 percent of their 1982 level representing less than 5 years' production; gas reserves will decline by 60 percent during the same time period, representing less than 6 years' production in 2010.

There is no question that the United States will have to develop a synfuels industry to meet the energy requirements necessary for strong economic growth and national security.

However, the high capital costs and technical risks now required to design, construct and operate synthetic fuels projects are acting as a barrier to involvement by even the largest energy companies.

True, synfuels now cost more than conventional energy resources. The purpose of the Synthetic Fuel Program, however, is simply to provide the know-how, experience and fair amount of plant—with some Government support—so that the United States would not be left helpless in the event of another energy emergency.

I recently had the opportunity to visit South Africa which has been very successful in synfuels production. The South Africans' Sasol II and III plants consume some 32 million tons of coal per year and in turn provide that country with 40 to 60 percent of its transportation fuel needs. The cost of fuel there is about $2.50 per gallon, or about $50 per barrel.

The estimated average international price of crude oil as of mid-July is $28.65 per barrel.

There is obviously a difference in price, but not so large a difference that synfuels could not become a viable option should we again be faced with the sort of energy crisis we experienced twice during the 1970's.

It is also true that the Synfuels Corporation's Board no longer has enough members left to make a quorum and conduct business. The answer, however, is not to abandon the Corporation and its objectives, but to appoint a board of quality individuals and get on with the business of ensuring our Nation's energy self-sufficiency.

I urge my colleagues to vote for the rule. Let's not forget the severe energy crises we experienced during the last decade by abandoning this effort to develop a viable, economical synfuels industry that will help us cope with any future energy crises that may arise.

Mr. QUILLEN. Mr. Speaker, I would like to remind the Members that in the shale areas of this Nation there are 1.8 trillion barrels that are available if we develop it properly. Let us imagine that we allocate $1 a barrel to apply against our national debt. It would wipe it out completely.

Now, what is wrong with going forward with a program that has so much potential?

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I am delighted to join with my colleagues to try to correct a mistake that we in Congress made a couple of years back, and I am delighted to join in this effort to curb what is undoubtedly the biggest corporate welfare project that we endorse here in Congress.

I think it is interesting to look at what is being said in response to this effort to save $9 billion. The first thing that has been said is that we should do the whole job, that instead of just trying to save $9 billion we should wipe out the Synthetic Fuels Corporation.

As a member of the Energy and Commerce Committee I was delighted to hear the chairman of that committee offer that as a response. But it is not a very effective response because for the last year and one-half there have been members of our committee, including the ranking member, the gentleman from North Carolina [Mr. BROYHILL], who have tried to get the Synthetic Fuels Corporation dissolved.

But what has happened? Has there been a committee meeting to discuss the issue? No. Has there been a subcommittee markup on the bill? No. Has there been a subcommittee hearing on the legislation? No.

It is very interesting that the chairman of the committee comes here and tells us that we ought to get rid of the Synthetic Fuels Corporation when for the last year and one-half a majority of the members of the committee have wanted to do that and we cannot get any action.

The bottom line is that when we get down to talking about taking action on this issue the leadership on the other side of the aisle circles the wagons to protect this corporate welfare. That is the bottom line. And I think that the Members of this House should realize that despite the rhetoric we have been unable to move on this issue, and this is an opportunity to do it.

The second thing the opponents of our effort say is that we ought not throw out the baby with the bathwater. There is some good that can come from the Synthetic Fuels Corporation, they say, so we do not want to destroy it.

Mr. Speaker, this amendment does not destroy it. It essentially does one thing. It leaves enough money for the research to continue and for the demonstration projects to continue, but it stops the subsidization of commercial production of synthetic fuels. That is an important policy change—a change that is needed.

When Congress established the SFC in 1980, making available $19 billion for related activities, oil prices were projected to reach $75 to $124 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines were fresh in the minds of millions of Americans. Today, since the President took office, the price of imported crude oil has declined more than 25 percent, and oil imports are down 33 percent compared to 1980 levels.

As a consequence of these changes, the presumptions that underlie the current Synfuels Program are inconsistent with the realities of today's marketplace and with the realities of today's Federal budget deficit. It is apparent that continuing the Synfuels Program at the pace envisioned in 1980 will require enormous budget outlays that would not be offset by any economic benefits. A rule should be granted which will enable us to discuss this issue and to debate the level of

Federal funding—if any—that is required by the synfuels program. I urge my colleagues to vote against the rule and to support effort to reduce the funding for the SFC.

The SPEAKER pro tempore. The Chair would observe that at this point the gentleman from Texas [Mr. FROST] has 18 minutes remaining and the gentleman from Tennessee [Mr. QUILLEN] has 16 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, this is the first time in the 6 years that I have been in this body that I have risen to oppose a rule. I do not do so lightly. I would not be here if I felt there was not so much at stake, and if there was any reasonable procedural alternative.

But the fact of the matter is that the manner in which the Synthetic Fuels Corporation was created in the first instance has made it totally exempt from the normal appropriations and authorization process that takes place annually.

We are told that simply the desire to reduce the appropriation constitutes legislation on an appropriation bill. But then we are told we cannot even amend the annual authorization bill unless the authorization committee itself acts on the Synfuels Corporation provisions of the current law.

This is the core of the problem: the Synthetic Fuels Corporation, when it was created, was designed to be insulated from congressional oversight. The argument was advancd that it was important to allow some continuity in the development of a Synfuels Program, and the Corporation needed to be insulated from capricious actions of the Congress.

But the purpose of the insulation was to protect us from the exercise of commonsense. There is not a Member of this body that is not aware that there is no more highly publicized example of waste in the entire Federal budget than the Synthetic Fuels Corporation.

□ 1450

And it is not solely a question of management incompetence and conflicts of interest. What is also at issue is the simple fact the technologies that the SFC seeks to commercialize are not yet sufficiently mature. The corporations that are involved simply do not know what they are doing.

Let me emphasize that the issue is not whether one is pro or con synfuel development. I for one believe we ought to have a very significant synfuels research and development effort. I think more funds should be put into the research and development of synthetic fuel. What is at issue in the Synthetic Fuel Corporation debate is whether or not we should be throwing subsidies at corporations not for research and development but for the premature commercialization of synthetic fuels.

The oil and coal interests want those subsidies so that they can avoid the cost and the risk of synfuels development. They would love to have the American taxpayers assume the full cost and the full risk, and that is the issue before us now.

If you are going to support this rule, you are saying that you are prepared to allow the taxpayers to assume the risk and the burden and the cost that should properly be assumed by the corporations.

Let me say one last thing. To those of you who have suggested we should let the normal legislative process run its course, I would point out that last year I introduced legislation that 230 Members of this body cosponsored that would prohibit the Synfuels Corporation from making any further allocations until the Congress had an opportunity to review and approve its spending plan.

Not only did a majority of the Members of this body cosponsor that legislation, but a majority of the members of all three committees to which that bill was referred lent their names as cosponsors. Yet that legislation simply has not moved. This floor vote is the only chance we will have to vote against the wasteful spending of the Synthetic Fuels Corporation. I urge a "no" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. We are having fun here today in this election process. I have been fascinated. We have managed to bring it into everything from Christopher Columbus to synthetic fuels and God knows where we will go. But let us put November 1984 behind us for a moment, ladies and gentlemen, and let us take a look at a few basic facts; do not anybody go home and say that by rescinding this money you are going to save the taxpayers not one single dime.

You are not going to save any more money than if you rescinded FHA allowances for underwriting mortgages.

Now, that is fact one.

Fact two, are you going to save money? No. Because you do not even have a quorum on the board of the Synthetic Fuels Corporation. They cannot do anything. The money is needed for an expression, however, of our commitment. Think about it for just a moment.

I agree with my good friend from Michigan that the Synthetic Fuels Corporation needs a swift kick somewhere in the barnyard that he was discussing. But what has really happened? You have a Director of OMB, Mr. Stockman, and you have an administration, unfortunately mine, that has seen fit to put members on that Board who wish to destroy the Corporation, who have seen fit to hire a counsel, no longer with them, who saw fit to destroy the Corporation. No wonder the Corporation does nothing, as my friend from Michigan would say, but live high.

However, how soon you forget. My good friend from Massachusetts who I have known for some of the best years of my life said, "Pity the poor working man."

Well, I pity the poor working men when my working men could not get to work because there was no gas, they could not get to work; and their factories were greyed out in Bridgeport down to 40 percent of delivery. So they went home, even if they could get to work, without work.

How quickly we forget.

And have things improved in the Persian Gulf? My God, they are worse. We have a war going on between Iran and Iraq that will make the 100 Years' War look like a simple thing. We have a powder keg of the crazies and looney-bins throughout the entire world in charge of our energy.

The very same people who say we are going to save money, which is not true at this point, are turning around and saying to me, which I will not do; that we should spend hundreds of millions of dollars on defense, sophisticated weapons and so on and so forth, when this Nation is indefensible if it does not have energy independence.

This Nation's foreign policy and its defense posture in the long run are going to be totally controlled by this Nation's ability to produce an independent energy market. It was why in 1977 I came to you on this floor and we outlawed the exportation of Alaskan oil. That is why the majority leader and myself and several others sat for 18 months trying to put some commitment on the part of the greatest Nation in the world to be independent from the crazies and crackpots who, by an act of God, sit on top of the energy in this world.

Think about it. You are asking your people to suffer the greatest budget deficit in the history of this country to sacrifice for weapons and armies which have no sustainability whatsoever without energy independence. We have 80 days, 80 days' worth of fuel in the strategic petroleum reserve; 80 days, think about it.

I have not yet found a fighter plane that will fly with solar power.

My friend, Mr. SYNAR, who I greatly respect, in September 1983, to the Washington Post said, and I quote: "I believe in the free market but I am a pragmatist. Reality dictates that something more than the free market is going to be necessary in a crisis."

Are we so incompetent that through this back door stupid way of trying to

limit this corporation, are we so incompetent that we cannot—

Mr. CONTE. Will the gentleman yield?

Mr. McKINNEY. I have no time.

I spent 4 years; we must have this authorizing committee bring the Synthetic Fuels Corporation to a sensible stance; we need it.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, over the last 2 years I have had the responsibility as chairman of the subcommittee on Environment, Energy and Natural Resources of the Committee on Government Operations to have oversight over the Synthetic Fuels Corporation. I have also served as ranking member of the Subcommittee on Fossil and Synthetic Fuels of the Committee on Energy and Commerce, where we have authorization over this same corporation.

It is over this last 2 years that I come to you today with the realization that we must do something now. What I would ask you to do today is cut through the rhetoric which we are going to hear in the next hour with respect to this rule.

This issue does not involve energy security. If it does then I think the Arabs are going to find it very interesting that we are prepared to spend $92 a barrel for oil and we are inviting them to raise the price to that level.

This is simply a question of corporate welfare. I did not say it, the gentleman from Iowa did not say it, Getty Oil said it when they reviewed the Synthetic Fuels Corporation.

Very simply what we have here is the failure by the Synthetic Fuels Corporation, plain and simple.

We cannot and we will not meet the goals this Congress set for this corporation.

But more importantly, synthetic fuels are not commercially viable now. They are not commercially viable now. If they were, the industry would be embracing this corporation. But in reality they are running from it.

The issue here today is, Mr. Speaker, very simple; what are the priorities of this Congress going to be? This year alone 3 million children will be without a school lunch program, 300,000 families off welfare, 1 million people less receiving food stamps, and yet we are about to put $2.7 billion into one corporation, $1 million a day for 6 years.

That is not the type of priorities I think this Congress wants. If you are from Texas and Oklahoma, I want you to go home after this vote and I want you to tell your oil producer that you are prepared to pay $92 a barrel for oil when all they can get is $25 a barrel.

□ 1500

And I want you to go to your gas producer and say you are prepared to pay them only $3, but you are willing to buy from the Synfuels Corporation for $12.50. Not priorities I think that producing State Congressmen can rally around.

What we are doing by this simple rule is this: We are not killing this Corporation because all of us who are concerned about it are commited to the synfuel development in this country. But we have made a commitment of $3 billion up to this point and whichever amendment is allowed to come on this rule will still allow $3 billion more. If $6 billion is not a commitment to synthetic fuels, I do not know what is.

In conclusion, let me say very simply, if you believe in energy security you can support the defeat of this rule because what we are saying is that we do not want energy security at any cost.

If you believe that we must hold the line and set priorities in this Congress, then you can support the defeat of this rule.

But most importantly, if you believe in fairness and equity, you can do no less than to defeat this rule.

Mr. Speaker, I rise in strong opposition to the proposed rule. I do so reluctantly because I have great respect for the chairman and the committee. But I do so adamantly because there is an injustice in this rule, and there is an injustice in the Federal Government that is going to cost the American taxpayer billions of hard-earned dollars if we don't act now. We must cut money from the Synthetic Fuels Corporation and, to do so, we must defeat this rule.

Quite frankly, Mr. Speaker, I will stand second to none in concern for this Nation's energy security. I have devoted the lion's share of my time here in Congress to energy issues—in particular the security of this Nation's energy supplies. The issue before us today, however, is not an issue of energy security. It is an issue of how that energy security is most productively achieved at the lowest possible cost to the taxpayer. The question is not whether we need an insurance policy, the question is what kind of coverage that policy provides and how much that policy costs. In my view the Synthetic Fuels Corporation represents little more than marginal security—at best—but at a staggering and mostly unnecessary cost.

As chairman of the Environment, Energy and Natural Resources Subcommittee and ranking majority member of an authorizing subcommittee, I believe that I have followed the Corporation's trials and tribulations as closely as any other Member of Congress. There can be little argument that the SFC's 4-year history has been fraught with incompetence, mismanagement and cronyism. And throughout this period I have often been a vocal critic of the program's direction, or lack thereof. Yet I refrain from supporting specific synfuels legislation, intent on assessing the merits of the program on its substance rather than its reputation. But now, after 4 years, we know precisely what the program is all about. We know what projects the SFC intends to support, what they offer and what they will cost the taxpayers of this Nation. And, most important perhaps, we know what the SFC has been unable to do and what this program will never achieve. The simple fact is, synthetic fuels will not be commercially viable for the foreseeable future. When they are industry will do it—and without billions of dollars in Federal handouts.

Yet we sit here today with no control over this program. At any time, an operating quorum of directors can be reinstated and billions of taxpayer dollars in contracts rushed out the door.

If you consider nothing else today, I urge you to go beyond the traditional rhetoric surrounding this issue, to go beyond the image of the Ayatollah, beyond the image of Persian Gulf strife, and focus on the substance of this program—the projects themselves. It's the projects that make the program.

My Government Operations Subcommittee recently received a GAO report culminating a 6-month investigation into the SFC's proposed assistance to the Union Oil Co. Not long ago, the Union phase II oil shale project was awarded a $2.7 billion letter of intent representing the SFC's largest and most costly project. I will not dwell on all of the questions raised by this report other than to say that the American taxpayer will be paying Union Oil Co. an average of roughly $1 million each and every day for 6 years beginning in 1989 if the SFC finalizes this contract as it intends to do. And what are we buying? We are buying Union Oil a 20-percent rate of return to expand a facility that Union so far has made 20 unsuccessful attempts to operate; $1 million a day to the tune of $2.7 billion. This is exactly what the vote is all about today—priorities and equity. By shutting the door on our opportunity to address this issue now, as the present rule does, we are opening the door for Union Oil Co. and others like it. A vote for the rule is not less than a vote to hand over $2.7 billion to Union Oil.

Should we be concerned now about billions of dollars that won't be paid out of the Treasury until 1989? I think the answer is obvious, since we are looking at outyear budget expenditures every day. Moreover, it is estimated that a 1-percent rise in interest rates now will add $10 billion to interest payments due in 1986; this will

cause us to borrow more money and push rates up higher. Where will we be in 1989?

This is a question I was repeatedly asked over the recent recess. During the 3-week period I visited 80 towns in my district and met with thousands of my constituents. Time and time again the message was clear: cut the deficits, bring interest rates down and stop mortgaging our future and our children's future. We all know that we must reduce our deficits, both those we have now and those we are still creating. But, I ask you, where are our priorities? In the last 3 years we have stripped 300,000 families of welfare benefits, 1 million Americans of food stamp assistance, and cut 3 million children from the School Lunch Program. In Oklahoma alone, 7,000 families—mostly workingwomen with dependent children—have been told they are no longer eligible for Federal assistance. And the elderly remain in fear of further Social Security cuts and rising health care expenses—to which the Government responds we can no longer help with. I ask you, where are our priorities?

We now know that the SFC is not merely providing incentives for synfuels development, it is guaranteeing lucrative profit margins that will result in billions of dollars in additional budget outlays. The program has become, as the chairman of Getty Oil warned it would in 1980, nothing more than corporate welfare.

In conclusion, I ask only for the opportunity for the House to reassess the wisdom and merits of the present synfuels program before it's too late. It is after all a $13 billion responsibility, it is our responsibility and it deserves our immediate attention. Yet the Rules Committee has said that we cannot address this issue. We cannot address whether it makes sense to pay Union Oil $1 million a day—because, they say, it is not germane. I would suggest that perhaps there is nothing more germane than precisely this issue. It is an issue of priorities. It is an issue of equity.

The amendment Mr. WOLPE and I wish to offer does not gut the Synfuels Program. The Government has already committed over $3 billion to synfuels projects—leaving $3 billion available under our proposal provides a $6 billion commitment. Hardly gutting the program. Our rescission—a $10.25 billion rescission—would make a clear and responsible fiscal statement. A statement that says: At a time when Congress must hold the line on lunches for schoolchildren and health care for the elderly, we will not stand idly by while Union Oil is guaranteed payments of $1 million a day. This is what we are voting on today. I urge you to vote for fiscal responsibility and against billion dollar corporate handouts. I urge you to vote "No" on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, it is time to stop squandering the billions of dollars that have been made available for the Synthetic Fuels Program. Anyone who has followed the continued debate on this issue must come to the inescapable conclusion and that is that billions of dollars are being poured down a rathole.

Now, the gentleman from Connecticut and others have referred to the energy security and they asked whether or not we should be developing an energy supply source that would contribute to the Nation's energy security.

Mr. Speaker, in order to contribute to energy security the technologies that we develop must be, No. 1, reliable, they must be cost effective, they must be environmentally sound. In addition, the industry that we develop must be able to sustain itself and grow on its own.

To date, not one single project that has been put before the SFC has met this criteria. In fact, what we have is a long list of dropouts. Exxon has dropped out, Westinghouse has dropped out, Ashland Oil has withdrawn from their project, SOHIO has dropped out, Mobil has dropped out, Panhandle Eastern, and the list goes on and on.

In other words, if these projects are not economically viable and we cannot sustain them without massive amounts of Federal subsidies, let us not start them. If an energy industry cannot survive, how in the world can it contribute to energy security?

Mr. Speaker, the SFC has before it a number of projects and they project that the product that they will get from these projects will amount to only 135,000 barrels a day. That is if they work. In fact, the Union Oil, phase 1 project, they cannot even get to work.

All I am saying to my colleagues is that by continuing to pump billions of dollars into a program that you are going to have continued billions of dollars to operate is no way to create energy security. All we are doing is just ending up bankrupting ourselves.

Mr. Speaker, all we are asking for is an opportunity to debate this issue. The 1980 Interior appropriations bill included appropriations for this program. They now have $13.3 billion in uncommitted funds. All we are asking is that the Members vote to rescind a little part of this.

The administration's position is that we rescind $9 billion and require that the other projects that are funded from the amounts left, the subsidy, have some relationship to the price of competing fuel.

So join us in voting down this rule so we can get the Rules Committee to bring back a rule that we can live with.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I have known the chairman of the Energy Conservation and Power Subcommittee of the Committee on Energy and Commerce, a very close friend and I greatly respect my chairman, but I have got to disagree with him on this issue.

The Synthetic Fuels Corporation, established with the best of intent, has proved to be a total failure. It simply is not time in terms of technology or in terms of cost to commercialize synthetic fuels.

I totally support the proposal of my other chairman, the gentleman from Florida [Mr. FUQUA] to create a fund to transfer funds from this Corporation and to use them for research and development so we can get this technology and price to a point where the oil companies, who have ample resources, can take it over and it would become a commercially viable option for us.

But to try to commercialize something that is not subject to commercialization, to put money, as the Synthetic Fuels Corporation is proposing to do, in a Union Oil project that the projected product cost will be $92 a barrel and therefore will be totally unsalable, just does not make any sense at all.

I do not think that the gentleman from Michigan [Mr. WOLPE] and the gentleman from Oklahoma [Mr. SYNAR] have gone far enough. I think that we ought to do away with the Synthetic Fuels Corporation, put the money back into research and development authorized by the Science and Technology Committee and proceed on that basis. We ought to be developing the technology for synthetic fuels. We ought not to be commercializing it.

The scandals that have arisen in the operation of this Corporation are just outrageous. Of some dozen projects of commitments made only one small project has gone forward and that project, according to its sponsors, would have gone forward without Federal money.

So that the Corporation, after having spent $3 billion of the taxpayers' money or committed it, has not done a thing worth while.

I would urge defeat of this rule.

Mr. QUILLEN. Mr. Speaker, it is easy to forget the past. My mind goes back to 1973 when we did not have the gasoline, when we did not have the means to get to work and we would have paid most any price per gallon because it is a necessity.

Today we are arguing about a reduction of a program that has great possibilities. I do not just mean producing oil from oil shale, I mean from coal, and from other synthetic energy possibilities.

If we should gut the Synthetic Fuels Program, then we would be making a terrible mistake.

If we have a corporation in the private enterprise system and we have a bad board of directors and bad managers, it does not mean that you scuttle the Corporation, it means that you scuttle the directors and the managers.

That is what we should do to the SFC. But now let us get down to the business of passing a rule and doing whatever is necessary for the people of this Nation, for our national security. Let us not defeat the rule over a difference of opinion on the means, when we agree on the end—a reliable oil supply for America. Let us work out our differences in conference.

Mr. Speaker, to close debate, I yield 5 minutes to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I rise to request my colleagues not to vote down the rule for the Interior appropriations and related agencies bill for fiscal year 1985.

I am pleased to join with my chairman in doing that, the chairman of the Committee on Energy and Commerce in doing that; the chairman of the Committee on Science and Technology, the gentleman from high on my subcommittee, the distinguished gentleman from Tennessee, who is the ranking member on the Rules Committee, the gentleman from Texas on my subcommittee.

Let me say to my colleagues it has been said here today that we tend to have short memories and I am afraid that is true.

□ 1510

This is a piece of legislation that I have worked on for quite some time, and I agree that there are problems with its management. But the way to solve that kind of a problem is to fire the managers, not to kill the program. The way to take care of a poorly managed program is to get rid of the people managing it.

And I have heard my friend from Florida, I heard my friend from Michigan say that they were going to have hearings. And that is the way to do it. Not by killing the rule for this bill.

I do not know how many of my colleagues came to me and talked to me about matters of great importance to them and to their districts and to their States that we are trying to take care of in this appropriation bill. We have done our best, and we have talked to many of you since we marked up. You are all aware of what is in this appropriation bill. And I do fear that if you vote down this rule today we may never see this bill again. We may end up with some kind of a continuing resolution. Is it a secret to anybody that the clock is ticking, the session is coming to an end? I hope not, my friends. It is.

But I want to try to put something else in perspective for you, too. And it is important that we think about it and remember it. Our yearly transfer of wealth for imported oil from this Nation to the exporting oil nations of the world—the Saudis, the sheiks, the shahs, and the rest of them—is $60 billion a year, $60 billion a year of our wealth being transferred out of this Nation.

That figure is pretty much what it was in 1973 when the oil embargo hit. And I hope you remember what my friend from Connecticut said, my distinguished colleague who spent so much of his time working on this side of the aisle to prevent a reoccurrence of that problem. You bet, gas lines; you bet, soaring prices; you bet, economic disruption in this country and around the world.

The International Energy Agency just did a 2-month crisis scenario asking what would happen if there were a "partial"—please note the word—partial disruption of oil supplies in the Persian Gulf—not total, not like the last embargo, a partial embargo. Their scenario produced a world price figure of $98 per barrel of oil with a partial disruption. Think of it.

Call the Library of Congress. We fund them. We asked them to tell us on hypothetical situations what the impact on our Nation is if something happens. Well, I will tell you what they concluded. They concluded that there would be a "catastrophic"—that is their word, not mine—catastrophic drop in the GNP of this Nation, as much as possibly 30 percent of the GNP of this Nation.

Do you want to talk about unemployment? Do you want to talk about inflation? Crank $98 a barrel in the economy of this Nation and see what kind of inflation you have got in this Nation. Look at the unemployment lines that will occur then.

My friends, I try to bring that to you for one reason. That is where all this started. That is where we were in 1980 when this Congress and succeeding Congresses decided not that we need a new market crowd to develop synthetic fuels. Obviously, that is not what we were looking for. We decided in the national interest of this Nation, in the interest of our security, our global security, our economic security, our national security, that we had to embark upon a program that would attempt to insulate us from those parts of the world, as my friend from Connecticut said so ably, which can cause disruption tomorrow—tomorrow. That is the reason that we set this organization up. That is the reason we did not tie it to a commercial reaction. It is not supposed to be competing with the private enterprise in this country.

Let me say to my colleagues, this is a most important issue and I hope that you will think about what we have said here and vote for this rule.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. McDADE] has expired.

Mr. QUILLEN. I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. McDADE. I thank my distinguished colleague for yielding additional time. I will not try to take it all. I tried to make the point I think that needed to be made, and I hope that when you walk into the door to vote in the Chamber, when you think about your vote, you remember those gas lines, you remember that we are the one Nation of the world that today has aircraft carriers operating in the Persian Gulf. We are the Nation in the world again that has your young men and your sons and your daughters exposed to death and destruction in the Persian Gulf. And it could happen tomorrow. Why are we there? We are there because of this thing called energy, we are there because of our reliance and the free world's reliance on energy supplies around this world. We are there because perhaps the best analogy I have heard is that the world oil pool is rather like a swimming pool and if you pull the stopper, it all flows out.

Remember, my friends, if you want to see this Nation have some kind of independence of its own, security of its own, if you would like to see us in a position where we are not bound to events that may occur in the Middle East, vote for this rule.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Colorado [Mr. KOGOVSEK].

Mr. KOGOVSEK. Mr. Speaker, I rise to support the rule on H.R. 5973, the Interior Department appropriations for fiscal year 1985.

I am particularly concerned about efforts that would allow a premature floor vote that might cripple the U.S. synfuels program.

Mr. Speaker, this synfuels amendment was rejected by both the full Appropriations Committee and the Subcommittee on Interior Appropriations. The Committee on Rules also rejected this. To allow this action now, would be an extreme circumvention of regular procedures.

Currently, the House Energy and Commerce Committee, chaired by Representative JOHN DINGELL is conducting hearings and considering comprehensive legislation dealing with the U.S. Synfuels Program. A waiver of rules for this rescission of previous

years appropriations would be an end run around this committee of jurisdiction especially since, as I understand it, the proposed recission would contain specific language for some type of "market value" or "cost per barrel" test. I believe this proposal would be vague and difficult to implement. We should not consider this on the floor without hearings by the Energy and Commerce Committee.

The bottom line is that this amendment has been offered at least three times and defeated. There is comprehensive legislation pending to address this issue and we should follow our own procedures and rules.

Mr. Speaker, I urge my colleagues to support the Interior Committee appropriation bill.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I rise in support of the rule, and I would like to make two points. The gentleman from Oklahoma mentioned earlier that synthetic fuels are not commercially viable now. I think we are all agreed on that point. Is that not the reason the Synthetic Fuels Corporation was created? Is that not the reason the Synthetic Fuels Corporation was created? Is not this agency in existence to help markets be developed, to help the development of products that we are going to need in the long term?

The gentleman from Massachusetts calls it corporate welfare. Let me tell you of a coal gasification plant that may come to my area. The welfare it creates is 2,000 construction jobs a year for 3 years and 800 full time jobs, to take our dirty high sulfur Illinois coal and turn it through an environmentally clean process into anhydrous ammonia fertilizer for our farmers. Is that corporate welfare? I think not. That is helping the economy and jobs.

The job that we have before us today is not to excoriate and find some way to eviscerate this agency but rather put the blame where it lies, in the personnel of the agency. I did not hear my colleagues arguing to cut the appropriation for the Environmental Protection Agency. Well, let us not do it for synfuels. Let us vote for the rule.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, I rise in support of the rule. I think it would be a gross mistake for us to signal, only 5 years following the Arab oil embargo and the long gas lines of 1979, that we have forgotten all about that and that we are now in retreat from our bold commitment to energy independence.

Just think what signal that would sent to the Qadhafi's and the Khomeini's of this world—that we no longer are serious about making this Nation of ours invulnerable to their pressures.

Let me show you what we are talking about. Synthetic fuels are the way in which the United States can make itself invulnerable and independent of those nations which wish us less than well. By God's grace we have enough resources in this country, if we have the wit and the will to develop them on our own, that we can be energy independent.

We are going to run out of oil and gas. Experts do not disagree. They may disagree on how long. But within one generation, or two at the most, the experts in geology tell us that our voracious appetite for energy and power will have exhausted all those resources that it took nature some millions of years to lay down under the Earth in the form of oil and gas deposits.

□ 1520

But what do we have? Out in the Rockies of Colorado on the western slope, we have as much oil in the shale rock as exists in the Persian Gulf. Think about it. These four vials that I hold in my hand offer a clear demonstration of what has been developed under this Synthetic Fuels program.

Here in the first vial we see rock cracked from the shale on the western slope of the Rockies. In the second vial, that cracked rock has been retorted; it has been subjected to a high-pressure, high-intensity heat, and reduced to an ash.

The third vial shows the crude oil which that crushed ash yields. In the final vial, we have the pure golden distillate from the refined crude oil.

There is enough of this in the Colorado Rockies to replace all the oil in the Persian Gulf. Are we foolish enough not to develop efficient means of extracting it before we run out of oil and gas reserves?

Let us think about coal. The United States could be the Middle East of the world in coal. We have about one-third of all the world's known coal reserves. This little lump of coal which I hold in this second display contains every property of crude oil. This vial contains crude oil gained from crushing and exposing coal to a high-pressure process; hydrocoal. The liquid in that little vial is a high-grade, low-sulfur content oil. This was produced 12 years ago.

It is not that we do not have the technology; it is not that we need research. We need to develop it. Is it too early? There are those who say, "We do not have time to develop a commercial product." Well, the Germans developed a commercial product as long ago as World War II. They kept the Luftwaffe and the Weirmacht operating for many, many months after they would have been out of business had it not been for their very crude processes of using that soft, brown coal from the Ruhr Valley, and making high-octane aviation gasoline out of it. It is not anything new.

We were warned as early as 1952 by the Paley Commisssion that we were going to run out of oil and gas, and if we had had any vision, we would have begun then developing commercially useable synthetic fuels. We did not do it but South Africa did.

With only one forty-fourth of our gross national product, that little country already has developed commercially viable synthetic fuels from coal. They make gas, butane, propane, plastics, fertilizer. They make everything that we can make out of crude oil. They do not have any crude oil, but they are not vulnerable to the Arabs. Have we less vision than they?

I agree that those who have been appointed to the Synthetic Fuels Corporation have not behaved in the way that they should. Their sin has not been that they spent too much; but that they have done too little. They were commissioned by this Congress with a mandate to develop actual production of not less than 500,000 barrels a day by 1985, and not less than 2 million barrels a day by 1990. Their sin is that they have not prosecuted the program vigorously enough. Their sin is that they have ignored the congressional mandate.

Someone said, oh, we have allowed $6 billion to go forward in loan guarantees. Now, to rescind loan guarantee money is not to reduce the deficit by one thin dime, any more than if we were to rescind the money for FHA loan guarantees. You would not save any money; you would build fewer houses. That would be the result of this. We would not save money, we would stretch the time getting to our goal of energy independence.

If you think that $6 billion available in loan guarantees is too much, stop to think that we are being drained by $60 billion every year because of our vulnerability to Arab oil.

In 1941, we had vision. We ran out of rubber. The Japanese took over our rubber supplies. Franklin Roosevelt called Bernard Baruch and Bill Jeffers together and said we must develop synthetic rubber. Nobody knew how to do it; we did it because we gave it enough priority. We made a crash program out of it, and 3½ years later, when the Allies rolled into Berlin, they rolled on rubber tires made from an indigenous American synthetic rubber industry.

We can be that Nation again. That is the message that we need to send to the Khomeini's and the Qadhafi's of the world. Not that we are so penurious that we worry about a little bit of money in loan guarantees and quail at

the relatively small cost of becoming energy independent.

They are not afraid of our weapons; they might be afraid of our energy independence. And in the long run, our independence as a nation depends as much upon that as it does upon the weapons.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 148, nays 261, not voting 24, as follows:

[Roll No. 316]

YEAS—148

Addabbo	Flippo	Natcher
Akaka	Foley	Nelson
Albosta	Frost	Nichols
Alexander	Fuqua	Nielson
Andrews (TX)	Gaydos	Nowak
Annunzio	Gibbons	Oberstar
Applegate	Gonzalez	Parris
Aspin	Gray	Patman
AuCoin	Guarini	Patterson
Badham	Hall, Ralph	Pepper
Bellenson	Hall, Sam	Perkins
Bennett	Hance	Pickle
Bevill	Harrison	Price
Boggs	Hatcher	Quillen
Boland	Hawkins	Rahall
Boner	Hefner	Ratchford
Bonior	Hightower	Ray
Boucher	Hubbard	Regula
Breaux	Huckaby	Reid
Britt	Hutto	Rodino
Brooks	Jenkins	Rogers
Bryant	Jones (NC)	Rose
Byron	Kazen	Roth
Carper	Kogovsek	Rowland
Carr	Kolter	Rudd
Chappell	Kramer	Sabo
Clinger	LaFalce	Schulze
Coelho	Lantos	Shuster
Coleman (TX)	Leath	Skelton
Cooper	Lehman (FL)	Smith (IA)
Coyne	Leland	Snowe
Crockett	Levitas	Staggers
Daniel	Lloyd	Torres
Dannemeyer	Loeffler	Traxler
Darden	Long (LA)	Valentine
Daschle	Long (MD)	Vandergriff
de la Garza	Lundine	Volkmer
Derrick	Matsui	Watkins
Dingell	Mavroules	Wheat
Dixon	Mazzoli	Whitley
Donnelly	McDade	Whitten
Dorgan	McKinney	Winn
Duncan	Mica	Wirth
Durbin	Mineta	Wise
Dwyer	Moakley	Wright
Early	Mollohan	Wyden
Edwards (CA)	Montgomery	Yates
Edwards (OK)	Murphy	Yatron
Fascell	Murtha	
Fazio	Myers	

NAYS—261

Ackerman	Berman	Brown (CO)
Anderson	Bethune	Broyhill
Andrews (NC)	Bilirakis	Burton (CA)
Archer	Bliley	Burton (IN)
Barnard	Boehlert	Carney
Barnes	Bonker	Chandler
Bartlett	Borski	Chappie
Bateman	Bosco	Cheney
Bates	Boxer	Clarke
Bedell	Broomfield	Coats
Bereuter	Brown (CA)	Coleman (MO)
Collins	Jones (OK)	Rangel
Conable	Kaptur	Richardson
Conte	Kasich	Ridge
Conyers	Kastenmeier	Rinaldo
Corcoran	Kemp	Ritter
Coughlin	Kennelly	Roberts
Courter	Kildee	Roe
Craig	Kindness	Roemer
Crane, Daniel	Kleczka	Roukema
Crane, Philip	Kostmayer	Roybal
D'Amours	Lagomarsino	Russo
Daub	Latta	Savage
Davis	Leach	Sawyer
Dellums	Lehman (CA)	Schaefer
DeWine	Lent	Scheuer
Dickinson	Levin	Schneider
Dicks	Levine	Schroeder
Dowdy	Lewis (CA)	Schumer
Downey	Lewis (FL)	Seiberling
Dreier	Lipinski	Sensenbrenner
Dymally	Livingston	Sharp
Dyson	Lott	Shaw
Eckart	Lowery (CA)	Shelby
Edgar	Lowry (WA)	Shumway
Emerson	Lujan	Sikorski
English	Luken	Siljander
Erdreich	Lungren	Sisisky
Erlenborn	Mack	Skeen
Evans (IA)	MacKay	Slattery
Evans (IL)	Madigan	Smith (FL)
Feighan	Markey	Smith (NE)
Fiedler	Marlenee	Smith (NJ)
Fields	Martin (IL)	Smith, Denny
Fish	Martin (NC)	Smith, Robert
Florio	Martin (NY)	Snyder
Foglietta	Martinez	Solarz
Ford (MI)	McCain	Solomon
Ford (TN)	McCandless	Spence
Fowler	McCloskey	Spratt
Frank	McCollum	St Germain
Franklin	McCurdy	Stangeland
Frenzel	McEwen	Stark
Garcia	McGrath	Stenholm
Gejdenson	McHugh	Stokes
Gekas	McKernan	Studds
Gephardt	McNulty	Sundquist
Gilman	Michel	Swift
Glickman	Mikulski	Synar
Goodling	Miller (CA)	Tallon
Gore	Miller (OH)	Tauke
Gradison	Minish	Tauzin
Green	Mitchell	Taylor
Gregg	Molinari	Thomas (CA)
Gunderson	Moody	Thomas (GA)
Hall (IN)	Moore	Torricelli
Hall (OH)	Moorhead	Towns
Hamilton	Morrison (CT)	Udall
Hammerschmidt	Morrison (WA)	Vander Jagt
Hansen (UT)	Mrazek	Vento
Harkin	Neal	Vucanovich
Hartnett	Oakar	Walgren
Hayes	Obey	Walker
Hertel	Olin	Weaver
Hiler	Ortiz	Weber
Hillis	Ottinger	Weiss
Holt	Owens	Whitehurst
Hopkins	Oxley	Whittaker
Howard	Packard	Williams (MT)
Hoyer	Panetta	Williams (OH)
Hughes	Pashayan	Wolf
Hunter	Paul	Wolpe
Hyde	Pease	Wortley
Ireland	Penny	Wylie
Jacobs	Petri	Young (AK)
Jeffords	Porter	Young (FL)
Johnson	Pursell	Zschau

NOT VOTING—24

Anthony	Hansen (ID)	Rostenkowski
Biaggi	Heftel	Shannon
Campbell	Horton	Simon
Clay	Jones (TN)	Stratton
Edwards (AL)	Marriott	Stump
Ferraro	O'Brien	Waxman
Gingrich	Pritchard	Wilson
Gramm	Robinson	Young (MO)

□ 1540

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Horton against.

Mr. Young of Missouri for, with Mr. O'Brien against.

Messrs. COURTER, SOLARZ, HOYER, and PANETTA changed their votes from "yea" to "nay."

Messrs. SOLARZ, EDWARDS of Oklahoma, and HANCE changed their votes from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROBINSON. Mr. Speaker, I missed the last vote because I was in a meeting room where the voting lights did not come on. If I had been present, I would have voted against the rule on the Interior appropriation bill.

EDUCATION AMENDMENTS OF 1984

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 550 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 550

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

After the passage of H.R. 11, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 2496, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 11 as passed by the House, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. After the passage of S. 2496, it shall be in order to move that the House insist upon its amendment to the said Senate bill and to request a conference with the Senate thereon.

□ 1550

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

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. WHEAT. Mr. Speaker, House Resolution 550 is an open rule providing for the consideration of H.R. 11, the Education Amendments of 1984. The rule provides 2 hours of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor. Section 402(a) of the Congressional Budget Act is waived against consideration of the bill.

The rule makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment. The amendment in the nature of a substitute is to be considered by titles, instead of by sections, with each title considered as read. Clause 7 of rule XVI is waived against the substitute. One motion to recommit with or without instructions is provided.

After passage of H.R. 11, the Education and Labor Committee is discharged of further consideration of S. 2496. The rule makes in order a motion to strike out all after the enacting clause of S. 2496 and to insert the text of H.R. 11 as passed by the House. Clause 7 of rule XVI is waived against the House amendment to the Senate bill and a motion is in order for the House to insist upon its amendment to the Senate bill and to request a conference with the Senate.

Mr. Speaker, the rule waives section 402(a) of the Congressional Budget Act which requires authorizing legislation to be reported by May 15 prior to the beginning of the fiscal year. This technical waiver is necessary because certain programs which are receiving appropriations for fiscal year 1984 are currently unauthorized. The bill merely authorizes programs that are already funded by fiscal year 1984 appropriation acts. But a violation of the Budget Act still occurs.

The rule also waives clause 7 of rule XVI, germaneness, against the Education and Labor Committee amendment in the nature of a substitute. This waiver is necessary because the original bill was a straight reauthorization of several education programs and the committee amendment is broader in scope than the original bill. Among other things, the committee amendment also contains a substantial revision of the Bilingual Education Program which was not included in H.R. 11, as introduced.

The rule also waives clause 7 of rule XVI, germaneness, against the House amendment to the Senate bill, S. 2496, because the Senate bill only deals with adult education and, again, the House amendment is broader in scope than the Senate bill.

H.R. 11 reauthorizes 11 education programs that expire at the end of fiscal year 1984. The programs extended are: the Adult Education Act; the Bilingual Education Act; the Impact Aid Program; the Women's Educational Equity Act; the Indian Education Act; the Asbestos School Hazards Detection and Control Act; the Emergency Immigrant Education Program; the National Assessment of Educational Progress; the National Center for Educational Statistics; general assistance to the Virgin Islands; and, the Territorial Teacher Training Program. These programs are reauthorized for 5 years, through fiscal year 1989, except adult education, which is extended for 2 years through fiscal year 1986.

Mr. Speaker, the bill substantially revises the Bilingual Education Program and makes clarifying changes in the Indian Education Programs, the Women's Education Equity Act, and the National Assessment of Educational Progress. The other programs are extended without significant changes.

Mr. Speaker, House Resolution 550 is an open rule. While there may be controversy surrounding specific provisions of the bill, the rule provides Members the opportunity to offer amendments. I know of no opposition to the rule and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 550 is a rule that provides three waivers of the rules of the House in order to permit consideration of a hastily drawn, haphazard package of amendments to various education programs.

The rule is an open rule and it provides for 2 hours of general debate. Those are the noncontroversial aspects of this rule. The waivers in this rule, as well as the provisions of the bill itself, deserve a closer look.

The rule waivers a basic element of the Budget Act, and it includes two waivers of the germaneness rule for the substitute reported from the Committee on Education and Labor.

Mr. Speaker, the Budget Act waiver in this rule is of section 402(a) of the act. That section requires a committee to report authorization bills in advance of the fiscal year for which they create new budget authority. In this case, the bill authorizes new budget authority for fiscal year 1984, but was not reported prior to May 15, 1983.

As a matter of fact, this bill was not reported from the Committee on Education and Labor until May 15, 1984, 1 full year past the deadline contained in the Budget Act.

Now what do these circumstances indicate to my colleagues, one might ask. They indicate that the Committee on Education and Labor did not consider the elements of this bill, H.R. 11, to be necessary for inclusion in the budget resolution for the current fiscal year, fiscal 1984.

Mr. Speaker, it might be argued that the Budget Act waiver in this rule is a technical matter, because all the bill does is authorize programs not previously enacted for fiscal year 1984.

That is the reason the waiver is provided, because the committee did not meet its reporting deadline in 1983.

But that is not the only Budget Act problem with this bill. During our consideration of the rule in the Committee on Rules, we were told that this bill is $725 million over the amount contained in the first budget resolution passed by this House for fiscal 1985.

The Members will surely recall that budget debate, and remember the comments made that the budget was going to be a pay-as-you-go budget, with only modest increases for necessary defense and health programs.

This rule paves the way for consideration of a bill that is being brought up outside of that pay-as-you-go process. If the Members who supported that first budget resolution are serious about their concept of pay-as-you-go, they will surely want to defeat this bill.

The rule provides a waiver of the House rule governing germaneness, not just once but twice. First, the committee substitute is made germane to the original bill. Then, the committee substitute is made germane to the Senate-passed bill, now resting on the Speaker's table.

The rule also makes in order a motion that the House insist upon whatever is left of H.R. 11 following our amendment process, so that the managers can move directly to a conference with the other body.

Mr. Speaker, the members of the Committee on Education and Labor are once again up to their old tricks. They want to repeal portions of the Budget Reconciliation Act of 1981 that placed caps on the rate of spending growth for some of these programs. They want to take a simple, 3-page re-

authorization bill and turn it into a 95-page omnibus education package. Their package, which is the committee substitute, not only makes substantive changes in existing law but also creates entirely new programs not contemplated during our earlier budget deliberations.

Mr. Speaker, I make these comments merely to warn the Members that we will have lengthy, protracted debate on this bill.

If the Members thought our debate on the Rehabilitation Act extension was quarrelsome, then I suggest they brace themselves for yet another conflict on this legislation.

Mr. Speaker, since the rule allows for amendments to H.R. 11, and since there will be responsible amendments offered, I am not going to oppose this rule.

I sincerely hope, however, that this rule does not further widen the breach between our ability to gain control of Federal spending and our proclivity to engage in politically partisan program building.

□ 1600

Mr. WHEAT. Mr. Speaker, as I previously stated, this is a straightforward and open rule providing for 2 hours of general debate on the educational amendments of 1984.

I have no further requests for time. I know of no controversy on the rule, and I urge its adoption.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 550 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11.

The Chair designates the gentleman from New York [Mr. McHUGH] as Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. SHARP] to assume the chair temporarily.

□ 1605

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, with Mr. SHARP (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 1 hour, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 1 hour.

The Chair now recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, H.R. 11, the Education Amendments of 1984, reauthorizes 11 education programs that contribute to our national commitment to promote equity and improve quality in education. Most of these programs expire at the end of fiscal year 1984, so we must act favorably upon this legislation to ensure their uninterrupted funding.

H.R. 11 extends and amends the following education programs: adult education, impact aid, Indian education, bilingual education, women's educational equity, asbestos school hazard detection and control, emergency immigrant education, the National Assessment of Educational Progress, the National Center for Education Statistics, general assistance for the Virgin Islands, and territorial teacher training. Thus, it is an omnibus education bill, encompassing large formula and small discretionary programs. Current appropriations for these programs range from $585 million for impact aid to $1 million for territorial training.

The legislation extends all of these programs for 5 years, through fiscal year 1989, except adult education, which is extended for 2 more years.

The reason we have packaged all of these programs together in an omnibus bill goes back to the passage of Gramm-Latta II, the Omnibus Budget Reconciliation Act of 1981. At the same time it made budget cuts, that law extended the programs in this bill and many other elementary and secondary education programs through fiscal year 1984, regardless of their expiration dates. Thus, the committee was confronted with the unique situation of having most of our major authorization laws come up for renewal at the same time. Given the limited amount of floor time in the congressional schedule this year, it would simply not have been feasible to attempt to bring separate reauthorization bills for all of these programs to the floor.

The programs in the bill have undergone scrutiny by the Subcommittee on Elementary, Secondary, and Vocational Education during 21 days of hearings this Congress. The bill is the product of open discussion and compromise and has bipartisan support.

All of these programs augment our efforts to provide access to individuals who might otherwise be overlooked by our educational system and to generally enhance excellence in education. The amendments in H.R. 11 seek to strengthen these programs and address problems we have uncovered in their administration through the oversight process.

We took care in committee to keep the cost of this bill reasonable. For most of the larger programs—including impact aid, adult education, bilingual education, and immigrant education—we authorize such sums as may be necessary. This will enable Congress to annually determine, through the appropriations process, a suitable funding level for each of these programs, taking into account current economic conditions. For the Indian Education Program, Congressman KILDEE will be offering an amendment later to ensure that the committee's intent of authorizing a modest amount for that program is carried out. For the Asbestos School Hazard Detection and Control Program, the bulk of the authorization—$75 million for loans to school districts to remove and abate asbestos—will be paid back to the Federal Government. The remainder of the programs, the smaller, discretionary programs, do contain specific authorizations, but they are not excessive; the largest is the $50 million authorized for women's educational equity. I would like to highlight some of the major provisions of the bill.

IMPACT AID

Among the major provisions of H.R. 11 are those related to impact aid. This program, which reimburses school districts whose revenues and costs are affected by the presence of federally connected children and Federal property, took a 39-percent cut between fiscal years 1980 and 1982. We are still well below the 1980 level of appropriations, not even counting inflation. The quality of education has eroded in many impacted school districts because of these cuts. Some have been forced to try to charge tuition to military families, to borrow funds, to ask the Department of Defense to take over the responsibility for operating their schools.

H.R. 11 extends this program in order to guarantee high quality education for dependents of military personnel, Indian children, and other federally connected children. The bill reauthorizes the payments for category "B" children, whose parents either live or work on Federal property, but not both. Although the "B" payments were scheduled to expire under the provisions of the 1981 Reconciliation Act, the committee believes these students, and the loss of commercial property tax related to the presence of Federal property associated with these children, continue to place a burden upon local school districts. Let me emphasize that we are not proposing full funding of category "B," but are merely proposing to continue these "B" payments at the same authorization as last year, which is one-third of full funding.

A second impact aid amendment in H.R. 11 raises from $20 million to $21 million the ceiling for section 2 payments to school districts experiencing a partial loss of tax base due to the Federal acquisition of property.

BILINGUAL EDUCATION

In the bilingual education program, after long and arduous discussion, we have arrived at a bipartisan compromise. Under this compromise, we retain the basic focus of the program, to teach English language skills to children of limited English proficiency, but we permit a specified amount of funding to be used to support some programs which are alternatives to the bilingual education method. These alternative programs do not have to include instruction in the students' native languages; 4 percent of all funds up to an appropriation of $140 million and 50 percent of any new money above the current appropriation of $140 million, but not to exceed 10 percent of the total Federal funding, may be used to support these alternative programs.

We have also incorporated a number of amendments into the bilingual program to tighten up the accountability and improve the quality of the projects. These provisions would reward excellent programs with special grants, improve evaluation criteria, support research on effective techniques for educating youngsters of limited English proficiency, and make information about successful practices more readily available.

The bill attempts to update bilingual education by establishing new programs for integrating English-speaking children into the bilingual classes to help them learn foreign languages while the other children learn English; for training parents and other family members of children of limited English proficiency; and for bilingual preschool, gifted and talented, and special education programs.

The legislation also continues the emphasis in current law on training persons to fill the shortages of qualified teachers of bilingual education.

ADULT EDUCATION

The Adult Education Act of 1966 distributes funds to States to establish and support programs to help educationally disadvantaged adults acquire basic skills and obtain high school equivalency. Although evaluations show this program to be enormously successful, we are only reaching 2 million adults each year of the over 20 million adults who are functionally illiterate. Therefore, the committee bill extends the program without amendments for 2 more years, authorizing such sums as may be necessary for fiscal years 1985 and 1986. We extended this program for a shorter period than the other programs so that the committee might have more time to study the impact of several pending amendments to this act.

WOMEN'S EDUCATIONAL EQUITY

The Women's Educational Equity Act provides discretionary grants to public and private nonprofit organizations and agencies for projects to promote quality education for women and girls at all levels of education. With a limited appropriation of less than $6 million, the program has been successful in such areas as developing new curriculums, increasing access of females to educational programs, and establishing model training programs for educational personnel. The committee bill continues this program and makes several clarifying changes to ensure that it is administered as intended.

ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL

Although there has been a Federal program on the books since 1980 authorizing funding for detection and removal of hazardous asbestos materials in elementary and secondary schools, this program has never been funded. The authorization is due to expire this year. Since the extent of the problem has not diminished—with as many as 14,000 schools around the country containing hazardous asbestos materials requiring removal—the committee bill extends this authorization so that we might continue to seek appropriations.

OTHER PROGRAMS

H.R. 11 extends the Indian Education Act and also makes needed improvements in the manner in which the Bureau of Indian Affairs administers the Indian education program.

The bill also extends without substantial change the Emergency Immigrant Education Program created by Public Law 98-151, to help school districts heavily impacted with immigrant children. The one-time appropriation of $30 million for immigrant children is clearly inadequate to address the educational needs of approximately 1.1 million legal and illegal immigrant children in this country.

Other programs extended without major revision include the National Center for Education Statistics—the Federal agency responsible for collecting and disseminating educational information—and two small programs of special assistance to the outlaying areas. The National Assessment of Educational Progress, a Federal program which provides data on the achievement of students in basic skills and other vital areas, is extended with a provision encouraging data to be made available on a State-by-State basis.

The committee also adopted amendments to reform the manner in which audit disputes are resolved within the Department of Education and to place certain education programs under more appropriate divisions within the Department of Education.

Thus, H.R. 11 is a broad but well-balanced package of necessary improvements and extensions in education law. With the growing enthusiasm for educational improvement and educational support all around the country, we cannot afford to let our constituents down and fail to reauthorize these vital programs this year. We ask each Member of this body to join with us and cast an affirmative vote for education this year.

□ 1610

Mr. GOODLING. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding and I thank him for his leadership on the subcommittee that approved most of H.R. 11.

Mr. Chairman, many of us on the committee including the ranking member from Pennsylvania attempted to improve H.R. 11 in its omnibus form, but we were unsuccessful in many ways in doing so.

Mr. Chairman, as I rise in opposition to H.R. 11 in its present form, I take note that this is being offered under an open rule and I would note to this House that this bill severely needs an open rule. I would also note we have waived the Budget Act.

I would note this bill not only waives the Budget Act but, in fact, it throws out and waives the entire budget that the majority of this House adopted last spring.

Indeed, what is wrong with H.R. 11 is, H.R. 11 is an omnibus bill containing a series of unrelated categorical grants, joined only because they have some impact on education and in addition, are all being reauthorized. But there is no need to reauthorize these grants this year and even if there were a need, there is no need to reauthorize these categoricals in an omnibus form, in a comprehensive form.

I support certain programs which are important. I support bilingual education, but if they are important, they are important enough to consider each on its own merits and not lump them together in an omnibus form.

What these programs have in common is the vast increases in the spending that is authorized, spending that has been estimated by the Congressional Budget Office because most of the programs are authorized for such sums. The spending has been estimated by the Congressional Budget Office to go from $900 million a year in fiscal year 1984 to over $2.7 billion for fiscal year 1985 and upward from there.

Now I understand that my friend, the gentleman from Michigan [Mr. KILDEE], will be offering an amendment to reduce that amount in the

Indian programs by $1 billion. I would note perhaps that is a good first step. It is clarifying the intent of the committee.

But that still increases the authorization levels of this one bill by almost 100 percent over this House's budget resolution that we have adopted, by increasing the authorization levels by $700 million in this one bill.

I would suggest to the House that the key amendment that will be offered after all others are offered and considered will be offered by the ranking member of the subcommittee from Pennsylvania which will reduce the funding back to the budget levels adopted by this House.

Many of us on this side of the aisle did not vote for that budget. All we are asking the House to do is to at least live within its own budget and reduce the spending levels back to the budgeted levels. I think that is fair; I think that is reasonable. I do believe that this House should not go on record in its very first week back after recess, after passing resolution after resolution at our conventions and townhall meetings that we are opposed to the deficit, this House should not go on record as breaking apart and destroying the budget, by adopting this $700 million increase, an increase of almost 100 percent in the first year.

Now on the subject of bilingual education, Mr. Chairman, I would tell the House that I support the section on bilingual education. It is a very special part, it is very special to my part of the country as it is I think to all sections of the country. I support the bill's present format for bilingual education and the intent of bilingual education.

Mr. Chairman, this Congress had allowed, in prior bilingual education Federal law, the Federal curriculum to become very rigid. In many States, school districts from Texas, and elsewhere had gone ahead of Congress in adopting more flexible curriculum in the classroom to find new ways to use bilingual education for the purpose of helping students acquire proficiencies in English.

Until bilingual education in this form is adopted, that is not in the current Federal law.

There is a compromise. You have heard about the compromise. The compromise is better than the status quo; it is a substantial improvement over the current Federal bilingual education law; it is a substantial improvement over anything the committee had considered previously.

The compromise consists of several parts. First, for the very first time in Federal aid to bilingual education, we have stated the acquisition of English to be the purpose of bilingual education. That is important, that is what parents are asking for, that is what students need in the classroom.

Second, we have adopted for the first time flexibility in curriculum. We have adopted flexibility so that school districts can, as they are doing around the country, use Federal assistance to design new types of curriculums, including structured immersion, fast track transition, English as a second language to design the curriculum that is best for that school district and for the students in that classroom. I think that is important.

Compromise includes some limited funding for these forms of alternative instruction. It would be my preference, and I worked for it, that funding should have been more. I would point out to the House that the funding amount for alternative instruction is not nearly so important, the amount is not as important as the fact that for the first time we have legislated in Federal law the alternative instruction of new kinds of curriculums, such as structured immersion and English as a secondary language, and fast track transition.

I commend my colleague from Michigan, Mr. KILDEE, and my colleague from Puerto Rico, Mr. CORRADA, and my colleague from Arizona, Mr. MCCAIN for their work in reaching this compromise, reaching this new and improved bill on bilingual education. And I do hope that the House passes that section of the bill.

It is my belief that H.R. 11 ultimately is not going to be passed into law. It is my hope with the good sense and good will on both sides of the aisle on bilingual education, that at some point in this session of the Congress we can bring the bilingual section of this bill back to the floor of the House and pass it as a freestanding piece of legislation.

I thank the gentleman for yielding.

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise in strong support for H.R. 11, the Education Amendments of 1984. I support extension of all the programs in H.R. 11. However, I would like to call particular attention to title II of the bill which extends the Bilingual Education Act.

The purpose of bilingual education is to enable the student to achieve proficiency in English. The native language is used to assure that in the meantime students are able to meet promotion and graduation requirements. Limited English proficient youth comprise 10 percent of the U.S. student population. This means that 1 in every 10 students comes from a non-English-speaking home with English language skills limited to the extent that they cannot benefit from the education they receive in an all English classroom unless their English language skills are improved. Bilingual programs currently operate in over 80 languages and serve a diverse group of students including Hispanics, Asians, Indian Eskimos, Italian, French, and Portuguese speakers, along with recent immigrants from Poland, Greece, and the Arab countries. However, in spite of the gains which have been made since the original enactment of the Bilingual Education Act in 1968, less than 10 percent of limited English proficient children are getting the bilingual education services they need.

The bilingual provisions of H.R. 11 represent a carefully crafted, bipartisan compromise developed through the efforts of myself, Mr. CORRADA, Mr. BARTLETT, and Mr. MCCAIN. The compromise expands the scope and flexibility of the Federal bilingual effort through the creation of new grant programs and, for the first time, allows Federal dollars to be spent in support of alternative instructional approaches. At the same time, it allows for the continuation of the proven transitional method of instruction. Even where the transitional methods are used, local school districts design the programs and determine the extent to which instruction will be provided in native languages.

As is the case with all true compromises, this is a fragile one reached after a long negotiation process. It has the support of the Congressional Hispanic Caucus and many prominent groups in the area of bilingual education and education generally.

Limited-English-proficient students are a Federal constituency in the same way as handicapped children, disadvantaged children, and other special-needs groups of children. Improving the quality of education available to the Nation's 3.6 million children of limited English proficiency is especially important because they have been found to be one of the most under educated of all groups of American children. The bilingual provisions of H.R. 11 provide instructional flexibility while improving the program to ensure these children receive the necessary services which will allow them to fully benefit from the education they receive.

I also would like to call attention to the title V provisions which are a continuation of congressional efforts to improve the education opportunities of native American students. The provisions of title V are a result of 5 years of oversight activity by the Education and Labor Committee involving hearings, meetings with administration and Indian education professionals, and my own visits to Indian schools located on reservations. It has the strong support of the Indian education and tribal community. Title V involves no new authorization or costs. It simply refines current law to see that con-

gressional mandates of the past are carried out.

I urge the adoption of H.R. 11.

□ 1620

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

Mr. Chairman, I am rather disappointed with the manner in which this bill has been brought before us. First of all, I think it is important to say that none of the bill had to be reauthorized with one exception, impact aid, and that is being handled separately in the DOD authorization bill. But, actually, all of these pieces of legislation that are included here did not have to—I repeat—did not have to be reauthorized at this particular time.

In other words, we had plenty of time to do something that we should have done for a long time and that is come up with a comprehensive program dealing with education.

We have the public interested now in education improvement and so we should take the time that we need in order to find out what we are doing, whether we are doing something that is good for education, whether it is bad, whether there are ways to improve it. But the important point is we had time to do that. We did not have to extend these bills at this particular time.

However, we decided to go ahead. When we started, it appeared to be something that most of us could support because we were just talking about an extension, a simple extension. But as time went on, with only 1 day's hearing on every area of this piece of legislation, we decided in many instances to rewrite some very complicated and comprehensive legislation.

Today we find ourselves supporting many areas of the bill, but are faced with one vote because we have lumped them all together, which means that we do not have an opportunity to support those areas where we know we are doing well.

But again my major concern is that we are passing a comprehensive piece of legislation that did not have to be reauthorized at this particular time. We had plenty of time to think through it. We had plenty of time to rewrite it in an orderly and timely fashion.

Let me give my colleagues several examples. I am a strong supporter of bilingual education, for instance. But in bilingual education we do something that we do not do in any other piece of legislation. We mandate a method of instruction. I am not questioning how good or how bad that method of instruction may be. I am merely saying that it is certainly a questionable practice that we on the Federal level mandate a method. We do not do that, and I hope we will never ever do it, in any other program, but we do it in this particular bill.

So my problem with the bilingual title in this bill is that we are mandating a teaching method.

Second, I am afraid that we have added enough things to that particular title even though the appropriation is relatively modest that we are really taking money away from those who are most in need for a bilingual education program.

We have added several things to that bill. As I said, with a small amount of money. It seems to me we are not going to target those who are truly in need.

Now in another astounding move which I do not understand, which takes away this responsible partnership in search for a way to curb excesses of the past, the committee has now authorized programs that are $1.7 billion above the budget that this House passed, that the majority presented to the House, and the House accepted. It does not sound very fiscally responsible to me and both sides of the aisle are guilty of spending a great deal of time talking about fiscal responsibility. But here we are talking about a program that will be $1.7 billion above the budget that this House, under the majority leadership, passed.

Now, to Mr. KILDEE's credit, he will be offering an amendment that will reduce part of the bill by $1 billion and we will then still be over $700 million above the budget.

I will offer an amendment which will give every program in this bill an increase and, at the same time, remain within the majority budget that was adopted here on the floor of the House.

For instance, it would give adult education a $3.5 million increase over present spending. It would give bilingual education a $4.6 million increase over present spending.

□ 1630

It would give impact aid a $20.5 million increase over present spending Indian education, a $2.4 million increase, and on and on down through the list. It will give an increase to every area that we are dealing with in this bill and still will remain within the budget that again I mention was presented by the majority and adopted by the House of Representatives.

And I am talking about a 1-year situation only. If things are much better next year, we will have a golden opportunity, then, to increase what I am already increasing considerably.

So again let me say there are two problems I find with this piece of legislation. One is the fact that we did not have to reauthorize. We could have taken the kind of time that we needed to do a good job, with one exception, which was impact aid. That is being taken care of by the DOD authorization bill. And, second, we are talking about $1.7 billion over the House budget resolution when we adopt H.R. 11 if we do not pass some of the amendments that will be offered. The one that I am most concerned about is the one that I will offer that I said will give all of these programs an increase and still remain within the budget that the House adopted.

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

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES].

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

Mr. HAYES. I yield to the gentleman from New York.

Mr. GARCIA. I thank my colleague, the gentleman from Illinois.

Mr. Chairman, I rise in support of H.R. 11, and specifically the section in the measure pertaining to bilingual education. This portion of the bill extends the Bilingual Education Act for such sums as may be necessary. The bill, as reported by the Education and Labor Committee, represents a bipartisan compromise, which allows Federal dollars to be spent in support of alternative instructional approaches to bilingual education while continuing support for the basic transitional method. This compromise represents a sensible and cautious approach to exploring the effectiveness of alternative methodologies, and provides flexibility to school districts serving large numbers of language minority students.

Mr. Chairman, for too long equality of educational opportunity for disadvantaged children has come in for particularly heavy attack. The section of H.R. 11 dealing with bilingual education will allow us to begin the process of evaluating different methodological approaches for teaching limited English proficient children.

Mr. Chairman, bilingual education is an instructional tool that has developed over the past decades to help students whose first language is not English overcome their linguistic and academic difficulties and perform as well as their English-speaking peers in school. The theory is that, by enabling students to master cognitive skill in the language they know best before making the transition to English, bilingual classes will prevent academic retardation.

My colleagues, there are an estimated 3.6 million pupils in the country judged to be in need of some form of special language assistance to enable them to cope with the regular school curriculum. The Federal Government began funding demonstration programs in bilingual education in the late 1960's and now reach roughly 315,000 children. It is safe to say that the total amount of money spent in

the field, would scarcely make a dent in the national budget for compensatory education programs. Over $3 billion, for example, was appropriated in 1980 just for title 1, the largest of such federally supported programs of special assistance to educationally deprived children in low-income areas.

Of all linguistic minority groups, Hispanic Americans, by virtue of their numbers in the population if for no other reason, would seem to have the most at stake in the survival of bilingual education. School enrollments of Hispanic children in some of our major cities alone tell a vivid story; in New York City, they currently comprise 30 percent of the school population: in Los Angeles 45 percent; in San Antonio 52 percent; in Miami 32 percent; in Denver 31 percent; in Hartford 35 percent. In the face of these figures, the question of how best to meet the educational needs of the children, a large proportion of whom speak only Spanish, or are not sufficiently proficient in either English or Spanish, becomes one of paramount importance for the country in the years ahead.

Unfortunately, Hispanic children as a whole have not fared well in the public education system. Typically they are two to three grade levels behind other students. A mere 30 percent manage to complete high school nationwide. In urban ghetto areas, the school dropout rate for Hispanics reaches as high as 85 percent. Less than 7 percent have completed college. In 1975-76, Hispanics received only 2.8 percent of the B.A. degrees awarded, 2 percent of masters degrees, 2.6 percent of the law degrees, 2.3 percent of the medical degrees, and 1.2 percent of all doctorates.

Not surprising, the income figures for Hispanics are very low. In 1978, Hispanic Americans in general had a median annual family income of $12,600 compared with $17,600 for the Nation as a whole. Puerto Ricans were the worst off, with a median family income of only $8,300 and 30 percent living in poverty. Only 8 percent of Hispanics held professional and technical positions, compared with 16 percent of non-Hispanics. Most were found in low-paying jobs in the service and manufacturing industries and in agriculture.

Mr. Chairman, as for minority children, their education is far too important a matter to be left to chance, vague hopes, rhetoric, or politics. All of us have an undeniable stake in their induction into the larger American society and their preparation to be effective, productive citizens. They are an inescapable part of the Nation's future and therefore of all our futures. I urge your support for H.R. 11.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the bill, H.R. 11. Education has always been the fundamental cornerstone of a nation. It is the building block that America as a nation has prided herself in. The ability to provide an excellent and equitable education to various sectors of the population and to meet the special needs of each sector is a unique asset of this country. H.R. 11, the Education Act Amendments of 1984, reinforces that cornerstone by reauthorizing several important programs including: the Adult Education Act, the Bilingual Education Act, the Impact Aid Program, the Women's Educational Equity Act, the Indian Education Programs, the Asbestos School Hazard Detection and Control Act, and the Emergency Immigrant Education Program.

Of particular concern to me is the Bilingual Education Program, which has been rewritten after heated debates at the subcommittee and committee level. The new version of the Bilingual Education Act represents a fair compromise from those on both sides of the issues. Most importantly it insures the continuance of a vital and necessary component on our educational agenda.

According to a National Institute of Education [NIE] study, there are currently an estimated 3.6 million children in the United States with limited English proficiency. The Bilingual Education Act was enacted in an effort to meet the needs of these children. Since it was initiated in 1969 the program has grown from that of 76 basic programs with 26,521 participants to 565 programs in 1980 with 350,000 participants. In the 16th Congressional District of Texas alone, bilingual programs reach approximately 27,000 students ranging from kindergarden to the 12th grade. Even with this tremendous growth, many limited English proficient children still remain underserved or completely unserved. At best, the figures show that only 10 percent of the children in need of bilingual education are receiving it.

Despite the obvious need for bilingual education, the Reagan administration cut the program by 20 percent in 1982 and sought to cut funding to $94.5 million in fiscal year 1983. Congress was able to retain the $138 million that had been previously appropriated, enabling the program to continue at skeletal levels. The administrations intent has been to phase out the Bilingual Education Program, as is evidenced by its fiscal year 1984 budget proposal of $95 million.

I find it ironic that after the President's Commission on Education published "A Nation at Risk," the administration chooses to address the problem by ignoring the educational needs of 3.6 million children. It is not accidental that the President's Commission found that "functional illiteracy among minority youth may run as high as 40 percent," when one considers that a significant number of our minority youth's native language is one other than English. The Commission's call to take up the challenge is not being responded to by this administration in the area of bilingual education. The words to the student in the Commission's report "You forfeit your chance for life at its fullest when you withhold your best effort in learning. When you give only the minimum to learning, you receive only the minimum in return" are frustrating to those students who are not able to receive even the minimum in education because of language difficulties. They cannot give their best effort in learning because we as a nation are not providing them our best effort in instruction.

The Bilingual Education Program embodied in H.R. 11 is an attempt to provide our best in instruction and maximize the best in education for our children. Because of the continued debate among educators regarding the best method to instruct limited English-proficient students, a new provision has been added to the Bilingual Education Act. H.R. 11 allows 4 percent of current moneys and up to 50 percent of new moneys to be used in alternative approaches to bilingual education in which the use of the native language is not required. With this provision, flexibility and exploration into alternative approaches for teaching students are encouraged, without jeopardizing existing programs.

The National Commission on Education concluded by stressing that the national interest is best served by a literate and informed public and challenged us to strive for academic excellence. Bilingual education is a crucial component in the strategy to rescue our nation at risk. It will become increasingly more important as the United States attempts to deal with the recent influx of immigrants from Asia and Central America. Ignoring this reality could result in the formation of a large underclass of language minority citizens excluded from full membership in society. Clearly there is no doubt that the cost of ignorance done away with by this program would far outweigh its absence. As a policy maker and a former educator, I am prepared to take up the challenge by supporting H.R. 11, and encourage my colleagues to join me.

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

Mr. HAYES. I yield to the gentleman from Texas.

Mr. ORTIZ. Mr. Chairman, it is with great pleasure that I rise to offer my strong support for the bilingual educa-

tion program, which is included in the education amendments of 1984.

This vital program authorizes the allocation of much needed additional funds for bilingual programs, teacher training and retraining, research, and evaluation commensurate with the growth of the population of children who require bilingual education. Of even greater importance, this bill significantly increases the amount of available data on children of limited English proficiency and provides for additional information regarding the characteristics and outcomes of the bilingual programs designed to serve them through an increased emphasis on data collection, evaluation, and monitoring.

Improving the quality of education available to the Nation's 3.6 million children of limited English proficiency is especially important because they have been found to be one of the most undereducated of all groups of American children. Prior to 1968, when bilingual education programs were begun, the dropout rate among non-English-speaking students was spectacularly high. In some ethnic groups, fewer than 20 percent of the students completed high school. Since 1968, however, participants in bilingual education programs are four times as likely to finish high school and the number entering college has increased.

This bill does not call for special treatment for people with limited English skills. It simply provides them the opportunity to compete on an equal basis with other members of our society.

Mr. Chairman, H.R. 11 is essential if we are to continue providing an opportunity for children of limited English proficiency and equal chance for succeeding in, and contributing to, this great Nation.

I urge my colleagues to join with me and vote for this most important legislation.

Mr. HAYES. Mr. Chairman, I rise to join my colleagues in support of H.R. 11, the Education Amendments of 1984. First however, I would like to commend Education and Labor Committee chairman, CARL D. PERKINS, and his staff, on their tireless efforts in preparing this measure for floor consideration. Mr. Chairman, as we well know, any measure reauthorizing 11 programs not only merits a considerable amount of staff time but also merits a considerable amount of time and attention of the chairman of the authorizing committee. Both Chairman PERKINS and his staff deserve the praise of every Member of this Chamber.

The bill before us, H.R. 11, is a vital component in our Federal commitment to promoting equity and improving the quality of education offered to our citizens. The programs which this bill reauthorizes are due to expire at the end of the current fiscal year. They include: The Adult Education Act; Bilingual Education Program; the Impact Aid Program; the Women's Education Equity Act; the Indian Education Program; the Asbestos School Hazard Detection and Control Act; the Emergency Immigrant Education Progress Act; the National Center for Education Statistics; general assistance for the Virgin Islands and the Territorial Teachers Training Programs. H.R. 11 extends all of these programs for 5 fiscal years through fiscal year 1989, with the exception of the Adult Education Act which is extended through fiscal year 1986.

The programs incorporated in the bill are people-based programs that aim at helping individuals become productive members of our society. Education is our country's greatest resource and we must not hesitate to make a short-term investment that in turn will yield long-term results beneficial to the entire Nation. I urge my colleagues on both sides of the aisle to support this legislation in order to allow all Americans the chance to improve themselves through educational advancement and hard work. By doing so they will give hope and optimism to millions of Americans who without such assistance will view the American dream of self sufficiency as a dream deferred.

H.R. 11 continues a variety of programs that seek to address the needs of millions of Americans by providing them with the basic skills necessary for survival in our present society. One of the aims of this measure is to achieve educational parity for individuals who have special needs that can only be met through special attention. In that regard, the reauthorization of the Bilingual Education Act is particularly noteworthy.

With the ever increasing number of limited English proficient children entering our school systems, a strong bilingual education program is essential to bringing them fully into the American mainstream. The National Center for Education Statistics estimates that the limited English proficient population aged 5 to 14 will increase by 400,000 in this decade and by another 600,000 in the 1990's. The number of Hispanic children by some projections may double by the year 2000. Unfortunately, the current Federal Bilingual Education Program is only addressing a small portion of the total number of students in need of bilingual attention. H.R. 11 not only attempts to increase the number of students who are included in bilingual education programs, it also rewards quality programs and allows for the exploration of other approaches for teaching children of limited English proficiency.

Mr. Chairman, while all the programs reauthorized by H.R. 11 are extremely important, I would like to close my remarks by discussing the merits of the Impact Aid Program contained in the bill. The Impact Aid Program provides financial assistance to school districts in federally affected areas which include military bases, governmental offices, Indian lands, and public low rent housing projects. Established in 1950, the Impact Aid Program has assisted school districts in meeting the financial burden of educating children when there is a shortfall in the local tax base due to Federal ownership of property.

Unfortunately, year after year the program is slated to receive reduced funding and even termination. For example, allocations for the Nation's largest school districts have dropped from $62.4 million in fiscal year 1980 to $18 million in school year 1983-84. Many of the children affected by these cuts are disadvantaged, including poor children in low rent housing and children on Indian land. Given the economic condition of many of our school systems and the financial restraints imposed on them by State and local governments, the need for the Impact Aid Program is as vital today as it was when it was first established in 1950.

Mr. Chairman, by passing H.R. 11, the Members of this Chamber will strongly reaffirm the Federal committment to the partnership between local and State government in the area of education. Education must be accessible to all citizens regardless of race, sex, religion and national origin. I strongly urge my colleagues to support passage of the bill so that all our citizens may have the chance to improve themselves and realize the American dream.

Mr. PERKINS. Mr. Chairman, I want to take a minute to answer the gentleman from Pennsylvania [Mr. GOODLING]. He asked the question: Why do we need to reauthorize this year if these programs can be automatically extended?

While it is true that the General Education Provisions Act allows for an automatic 1-year extension of expiring education programs, the Appropriations Committee is already making appropriations in their bill for fiscal year 1985. So, in a sense, they are already using that authority. But if we wait until next year, by the time we could get a bill out committee, passed by the House, passed by the Senate, and signed by the President, several months, if not most of the year, will have elapsed and the Appropriations Committee would have no authority to put any money for fiscal year 1986 in the bill. They will undoubtedly start working on that next spring or early summer.

Mr. GOODLING. Mr. Chairman, will the gentleman yield on that statement?

Mr. PERKINS. Yes; I yield to the gentleman.

Mr. GOODLING. Is that why we had to reauthorize for 5 years, because it would take us so long to get around to doing anything?

Mr. PERKINS. Let me say to the gentleman that we always want stability in all these programs. And if we never let anyone know where we are going, we will always be up in the air and we will just cause unrest throughout the educational communities of the country. We have got to give some stability. We ought to authorize ahead of time. The only logical thing to do is to go ahead with this authorization.

Mr. GOODLING. Will the gentleman yield?

Mr. PERKINS. Yes; I yield.

Mr. GOODLING. It seems to me that we have some oversight responsibility, too. We should look a little more closely to see whether they are doing what we want them to do. Perhaps we should be making some changes. We might even come up with some new ideas. Wouldn't that be a surprise?

Mr. PERKINS. Let me state that we always look very closely and very carefully, and we do not authorize hastily, as the gentleman stated.

□ 1640

Let me state that the hearings on the oversight that the gentleman has referred to, you say we did not take enough time on H.R. 11: Bilingual education, June 7, June 28, August 3, August 4, 1984, May 28, 1984; adult education, oversight, May 13, May 14, 1983; in Kentucky also on asbestos, I think the gentleman was with me, H.R. 11, March 22, 1984; asbestos in schools, oversight, April 27, 1983; H.R. 11, April 3, 1984; Indian education, oversight, February 22, June 21, June 24, 1983; H.R. 519, April 9, 1984; women's educational equity, April 5, and we go on and on on all these programs. Impact aid, March 27, 1984.

I just want to point out that no committee has ever, in my opinion, more thoroughly considered or I do not think the Education and Labor Committee has more thoroughly considered all these programs. They have been considered in committee.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I just want to remind the gentleman from Pennsylvania and others that the department starts working on a 1986 bill the first of October. If you do not have a 1986 authorization in place, they submit whatever they want in the way of an appropriation without being restricted to any guidelines whatever. They can block everything into one block if they want to, and say, this is our proposal. Then you get an appropriation proposal that is not worth considering hardly.

Really, you have got to have a 1986 authorization in place by October 1, or you are tardy.

Mr. PERKINS. I want to thank the gentleman from Iowa [Mr. SMITH] for his contribution. If we had not taken this action, I think we could have been accused of being derelict in responsibility, and we are moving now and we are doing, I think, what should be done.

Mr. Chairman, at this time I yield to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. I thank the chairman for yielding.

Mr. Chairman, I rise in support of the emergency immigrant education section of the bill, the Emergency Immigrant Education Act. This section was originally introduced by the honorable majority leader and myself in March, and has since been incorporated into this bill. As one who represents some of the poorest school districts in our Nation, those which reside along the United States-Mexico border, where such legislation and Federal assistance is most warranted, I know the necessity of this bill. And, I know the long fight this Congress has been through to get this assistance. For those who do not remember, the legislation was originally included as an amendment offered by the majority leader to the continuing resolution last November.

Following its passage, and the signature of the President, the administration sought a rescission of the funds. Several months later, the General Accounting Office ruled that the funds for the purpose of the Emergency Immigrant Education Act had been properly authorized and appropriated by the Congress and there could be no rescission under the Congressional Budget Act; 9 months after the signature of the President and 4 months after the GAO ruling, the Department of Education finally came out with the regulations for application for funds for the 1983-84 school year. Published in the Federal Register on June 28, 1984, the Department of Education gave the Nation's school districts a mere 44 days, until August 10, 1984, to comply with the regulations and submit their applications for assistance.

This administration, which has opposed this necessary assistance all the way down the road, has thrown yet another obstacle in the path of the starving school districts' efforts to survive. And what is odd is that this administration, which cannot control our borders, does not believe it shares any responsibility for its own inability to control the borders.

Mr. Chairman, I would now like to engage in a colloquy with the distinguished chairman of the Education and Labor Committee, Mr. PERKINS.

Mr. Chairman, in the legislation which passed the Congress last year, and became law, and in this legislation we discuss today, there is a section which deals with the estimation of the number of immigrant students a State education agency counts in its local education agencies, or school districts. In section 706(c) (1) and (2), the bill states that "Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided * * * by each State educational agency * * *" and that "No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlements * * *."

My question, Mr. Chairman, is whether this section is to be interpreted to mean that State education agencies will be allowed to revise those applications with incorrect estimations, and will not be denied aid—especially in light of the forthcoming deadline which might cause inadequate preparation of information because of the complexity of the regulations?

Thank you for the clarification, Mr. Chairman.

Mr. PERKINS. Let me state to the distinguished gentleman that I agree fully with the gentleman's explanation of this provision. You would have the opportunity to revise.

Mr. COLEMAN of Texas. I thank you very much, Mr. Chairman.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to our leader on the Subcommittee on Elementary, Secondary, and Vocational Education, the gentleman from Illinois [Mr. ERLENBORN].

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

Mr. ERLENBORN. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, on another subject, not the subject that the gentleman from Illinois is going to discuss, but for purposes of clarifying the record, I would like to address my good friend and colleague from Texas, on immigration education. In fact, there is a good deal of controversy over immigrant education. I support immigrant education as does the gentleman from El Paso. But the President of the United States signed that appropriation into law, appropriated the funds and expended the money on May 16 together with the support of the senior Senator from the State of Texas, and a number of others who are closely allied with the administration. It was the President who in fact expended the funds. I did want to take the op-

portunity to set the record straight at this point.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Chairman, H.R. 11 as reported by the Committee on Education and Labor is a seriously flawed piece of legislation and I would hope that this body will, in its wisdom, adopt a series of amendments that will be offered by me and my colleagues from the committee.

The Congressional Budget Office has estimated the cost of the bill in fiscal year 1985 to be $2.7 billion and rising to $3.1 billion in fiscal year 1989. It should be noted that largely because of the 1981 budget reconciliation authorization caps placed on the same programs that are contained in H.R. 11, current—fiscal 1984—spending is less than $945 million.

In addition to the funding issue, Mr. Chairman, H.R. 11 goes well beyond the simple three-page bill that was originally introduced by Chairman PERKINS. During committee consideration of H.R. 11, many substantive changes in law were made to existing programs and entirely new programs were created as well. The bill, when reported, had grown to over 95 pages. This was in spite of the fact that the spring hearing schedule allowed Members usually only 1 day of consideration for each title of the bill—many of which have become extremely complex and highly controversial.

There are other specific provisions of the bill to which I object. For example, the current Adult Education Act would be extended for 2 years. Such an extension is unnecessary in light of the automatic extension provided under existing law. Further, in cooperation with the administration, I have introduced an adult education proposal which allows greater flexibility for States and localities and participation of young adults below the age of 16.

Another concern I have is over the Women's Educational Equity Act Program [WEEA] which is currently funded at $5.67 million. H.R. 11 authorizes $50 million per year for 5 years. For fiscal year 1985 this represents a potential tenfold increase. The bill provides $250 million for fiscal year 1985-89.

Furthermore H.R. 11 takes the unprecedented step of mandating a reorganization of the Education Department by establishing separate offices for migrant education and equity training. WEEA, currently situated in the Office of Elementary and Secondary Education, would be transferred to the Office of Educational Research and Improvement. Such an action would undermine the authority of the agency head and transfer what has previously been an executive role to the Congress. I plan to address that issue with an amendment to delete this provision from H.R. 11 at the appropriate time.

H.R. 11 extends the impact aid program and includes a continuation of category "b" payments to schools for children whose parents either work or live on Federal property. In the Reconciliation Act of 1981 we achieved the goal of curtailing this program which had eluded every President from Eisenhower through Carter, although all of them tried. In this bill we provide for the continuation of category "b" payments which are due to be phased out at the end of fiscal year 1984, effectively destroying this hard-won reform. Importantly, school officials have known for 3 years that "b" payments are to end this year.

In title II of H.R. 11, the committee rewrote the entire Bilingual Education Act and missed a golden opportunity to truly reform this program. The changes in H.R. 11 reflect the continuing emphasis on transitional bilingual education as the method of instruction endorsed by the Federal Government. It is unfortunate that the Education and Labor Committee does not put enough trust in the process of local decisionmaking to allow local needs, priorities, and concerns to dictate how students of limited English language proficiency can best learn to read and write English. I fear that the Bartlett-McCain compromise incorporated in the bill does not do nearly enough in this regard. I plan to address some of these concerns with amendments which would ensure that parents have the final say in whether or not their children participate in bilingual programs and would ensure that these limited resources are targeted to those most in need of instruction.

H.R. 11 includes a wholesale adoption of H.R. 5190, a bill not even introduced until March 20, 1984. It would make significant changes in the way the Bureau of Indian Affairs administers various education programs. Only one hearing was held and inadequate time was allowed for consideration of this legislation known as the Indian Education Amendments of 1984. This is not an emergency; no expiring authorization is at issue here. There is no way to justify H.R. 5190 being attached to H.R. 11.

Finally, the committee's action in removing any authorization cap on the Indian Education Program administered by the Department of Education is totally irresponsible. The program, which is currently funded at $68 million and which has never received more than $86 million, is estimated by CBO to be authorized at $1.46 billion in fiscal year 1985 under the provisions of H.R. 11. These figures speak for themselves regarding the lack of concern our committee gave to H.R. 11 and lack of concern that the committee always, with the actions of the majority, shows to any restraint in a fiscal sense.

I understand that even the majority members of the committee are embarrassed by these figures at this time, and that they will offer an amendment to reduce the Indian education authorization by $1 billion. Even if they do, H.R. 11 would still be $725 million above the projections derived from the House-passed first concurrent budget resolution.

In this regard, I urge the House to adopt an amendment that will be offered by my colleague from Pennsylvania [Mr. GOODLING] that would have the effect of making H.R. 11 consistent with the budget resolution.

I would like to emphasize that no program in H.R. 11 is in danger of being discontinued at the end of the current fiscal year. Under the General Education Provisions Act, education programs expiring at the end of fiscal year 1984 are automatically extended for 1 additional year. For all of these reasons, I find it impossible to support H.R. 11 in its present form and hope that the Members favorably consider my amendments and those of my colleagues which would vastly improve this bill.

□ 1650

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I would be happy to yield to the gentlewoman from New Jersey at this point.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I particularly want to associate myself with the remarks of the gentleman from Illinois on the Bilingual Education Program. I will be supporting the gentleman's amendments. I think we are doing a grievous harm to those students who most need this kind of educational help and assistance by building in the rigidity in this program under this law. The gentleman's amendments will open the process up and give far more beneficial educational advantages to the students who need them.

Mr. Chairman, H.R. 11, the Education Amendments of 1984, is one of the first major education bills to be acted upon by Congress since the flood of troubling education reports issued last year. A recurring theme in those reports was that there is a Federal responsibility to provide leadership to the States and localities in addressing education needs. I rise to point out that in one key aspect of the bill—reauthorization of the Bilingual Education Act—we have missed an opportunity to provide such leadership and have given the American public good reason to believe that we are incapable of doing so.

Listen to the following story which represents something that is happen-

ing all over America: Xavier Mancias has just finished first grade in McAllen, TX; 2 short years ago, when beginning kindergarten, Xavier could only speak Spanish. Since that time, he has been one of several students involved in a pilot project that teaches students English by immediately immersing them in the language from the start—teaching all subjects to them in English. This contrasts with the school's previous program—the so-called transition method—which used Spanish to teach the students while gradually teaching them how to speak English.

McAlister's previous program would generally run through the second grade before students would finally receive all of their instruction in English. Compare the new immersion program: By the end of kindergarten, Xavier and his classmates were speaking entire sentences in English and were ready to start reading in English, which is what they did this past year.

At a time when we are struggling with a serious immigration question, this is indeed good news to hear that this program seems to be working. Here's the bad news: The McAllen School District is prohibited from using Federal bilingual education funds for this project—funds which are supposedly intended to eliminate the language barrier between our society and those with limited or no English-speaking ability.

One of the most prestigious reports last year—that of the Twentieth Century Fund Task Force—recommended that Federal funds now going to bilingual programs be used to teach non-English speaking children how to speak, read, and write English.

Consequently, I find it baffling that in this area we are not only failing to provide leadership to the States, but we are actually being left behind as they have given up on the Federal Government and adopted progressive approaches of their own, such as the McAlister project.

The Twentieth Century Fund Task Force has stated an obvious goal. We are the only Nation in the world that is made up almost exclusively of immigrants or their descendants. The so-called melting pot, which has incorporated the best elements of all other cultures, is the very foundation for our social and economic success. But, in order to achieve this synthesis, we must be united on certain things, with a common language at the core.

Our diverse origins have created serious strains on our system. As an example, only 11 States now print drivers tests in English only; 10 States print the tests in both English and Spanish; 21 States print the tests in at least three languages. My own State of New Jersey prints its tests in the following languages: English, Spanish, French, Italian, Vietnamese, Greek, Portuguese, Korean, Polish, and Romanian. In a melting pot, a certain amount of this is to be expected, but we must recognize that the fabric of human relationships is built by communication, and this is simply impossible if we aren't speaking the same language.

This value is clearly recognized at the State and local level. In my own State of New Jersey, Governor Kean has taken dramatic steps toward increasing English fluency by requiring English proficiency for high school graduates.

I do not suggest that the proponents of the current bilingual education program minimize the importance of learning English. I am confident that is a value that we all share. But I believe that goal is being seriously undermined by the fact that, for one reason or another, we have fixed upon one method of instruction—the transition method—while ignoring the total lack of any statistical support for its success.

I could stand up here and make a strong case for the use of the so-called immersion technique, which I have described in the McAlister situation and which is being used in various forms throughout the country. However, for me to attempt to set this technique up as the ultimate preferred method would miss the entire point of the findings of the various bilingual education studies—that there is no tried and true method. Reliable statistics are simply not there to make the convincing case for any single approach.

In 1980, the Department of Education under the previous administration conducted an evaluation of the various studies of the effectiveness of bilingual education. Bear in mind that this was the same Department that was attempting to require schools to use transitional methods, even if they received no bilingual education funds.

The authors of that evaluation recently summarized their findings:

> [Transitional education] has had mixed success. Although it has worked in some settings, it has proved ineffective in others and has had negative effects in some places. Furthermore, alternative instructional methods have been found to succeed—even to be superior to [transitional methods]—in some schools.

A great deal has been said about the forward steps taken by this bill in recognizing alternative approaches to bilingual education. Indeed, it is a positive step forward to allow some of the funds to be used for alternative methods. Anything, however slight, is an improvement over the rigidity of the present law. But let us not overstate the case. We are talking about a mere 4 percent of the current funding level to be used for alternative methods. This contrasts with the administration's proposal to allow school districts to select the approach they consider best for their students, as long as they provide evidence in their grant application that the method selected is the most desirable for the children served.

At a time when all sides seem to agree that the one role the Federal Government can play in education is to provide leadership, I find this bill a regrettable missed opportunity. Instead, I see the leadership taking place in States like New Jersey and Texas, where creative approaches are being applied without the benefit of Federal funds. We are not even following the States in this, we are simply being left behind. If one wanted to make the case that the Federal Government is incapable of fulfilling a strong leadership role in education, he need look no further than this bill for an example.

Mr. ERLENBORN. I thank the gentlewoman for her support and her contribution.

The CHAIRMAN. The gentleman from Illinois [Mr. ERLENBORN] has consumed 8 minutes. The gentleman from Pennsylvania [Mr. GOODLING] has 39 minutes remaining and the gentleman from Kentucky [Mr. PERKINS] has 34 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Puerto Rico [Mr. CORRADA].

Mr. CORRADA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 11, which would extend a series of education programs through fiscal year 1989. I commend my colleague, Chairman CARL PERKINS, for his leadership in moving this complex bill through the Education and Labor Committee, and for his unwavering concern for the quality and character of education in this country.

H.R. 11 includes reauthorization of many vital programs, such as the Women's Educational Equity Act, Adult Education, the Impact Aid Program, and the Bilingual Education Act. I would like to speak particularly about the provisions it contains to extend Federal efforts to educate language minority students.

At the current time, there are more than 3.6 million limited-English-proficient [LEP] students in the United States. These students live in every State of the Union. Many LEP students attend schools in Puerto Rico. Approximately two-thirds of these students are Hispanic. A smaller but significant percentage of LEP students are of Asian ancestry or are descendants of America's first inhabitants. A large and growing number of LEP students have come to this country recently, often to escape armed conflict or the denial of fundamental political rights in their native lands. In all, limited-English-proficient students come from homes and communities where

over 90 languages other than English are dominant.

Although local school districts and States are making an effort, schools in general are not meeting the need of LEP children. Only about one-third of the 2.64 million children aged 5 to 14 identified in a 1978 study are receiving either bilingual education or English as a second language instruction, according to the Department of Education. This means 1.8 million LEP students currently go without any bilingual aid at all, and are left to sink or swim in an educational system based on a language they do not understand. Between now and the end of the century, the number of language-minority students will increase dramatically. According to a report prepared for the Department of Education, the total school age population is expected to increase by 16 percent between now and the year 2000. During this same period, the language-minority student population and the number of LEP students is expected to increase by approximately 40 percent.

The Nation continues to pay the price for its past educational neglect of language-minority students. Hispanics, for example, complete a median of 10.4 years of schooling, 2 years less schooling than that completed by the white, non-Hispanic population; 40 percent of the Hispanic population between the ages of 18 to 24 leaves high school without receiving a diploma compared with 14 percent of the white, non-Hispanic population.

The educational merit of bilingual education has already been documented at the State level. Recently, the New Jersey State Department of Education released a report based upon pre- and post-test scores of students enrolled in that State's bilingual program. The report concluded that in all grades tested, results consistently showed that third-year bilingual students significantly outscored first and second year students in English language skills. More importantly, the study also demonstrated that bilingual students had made significant gains relative to English-speaking children in 8 of the 12 grades tested.

In 1982, the Michigan State Board of Education released results of a statewide study of bilingual education. During the 1980-81 school year, 31,991 Michigan students were identified as having limited English-speaking ability. Of these, 19,528 students were in groups large enough to require bilingual education under State law. The Michigan study showed the achievement in both English reading and mathematics of students in bilingual education programs grew at a faster rate than the average rate for comparable students. According to the State Superintendent of Public Instruction Phillip E. Runkel "almost one-third of the students—31.5 percent—improved so much that they became ineligible for the program at the end of the year."

In Puerto Rico, the bilingual education programs supported by title VII have proven to be successful in equipping English-speaking students with the language skills they need to succeed in our classrooms where instruction is generally provided in Spanish.

The Bilingual Education Act is the only Federal mechanism in place today to assist State and local education agencies in the capacity-building activities they must undertake to fulfill their obligations under Federal civil rights statutes. Contrary to what I have heard from many so-called experts, I believe that expenditures for bilingual education programs will help to decrease future budget deficits. In fiscal terms, it is self-defeating to reduce expenditures for vital and effective education programs such as title VII. Language-minority students need bilingual education programs to succeed in school and to become economically productive members of our society.

Without a specific bilingual education program to address their needs, countless language-minority students would drop out of school. Most of the language-minority students who continue in school would graduate without the skills they need for survival in our increasingly competitive economy. This, in turn, would deprive the Federal Government of future tax revenues and, at the same time, increase future Federal outlays for public assistance and unemployment compensation.

Bilingual education is an effective method for developing the English language skills language-minority students need for academic success. Furthermore, it addresses the educational needs of a growing population whose labor market difficulties are more severe than that of other groups. The roots of disproportionate employment figures are not clearcut, but a recent study by the National Commission for Employment Policy stated that "a lack of fluency in English is the major source of the labor market difficulties" faced by Hispanics. For this reason, bilingual education takes on central importance for the economic future of our people.

I would also note that bilingual education can be used to serve the Nation's international interests. Although the primary purpose of title VII is to ensure that language-minority students receive equal educational opportunities, bilingual education programs also preserve and expand our Nation's inadequate linguistic resources. This year, the House passed legislation to promote national security and economic growth through foreign language improvement. During the hearings on this bill, military leaders, intelligence officials, and corporation directors testified that America's shortage of bilingual personnel jeopardized the successful conduct of foreign affairs and international trade. The Department of Defense, for example, presented statistics which showed that in 1980 it was able to fill only 58 percent of the DOD positions which required fluency in Spanish. Bilingual education can be a useful tool in correcting our current linguistic deficiencies, and improving the Nation's capabilities in maintaining a strong defense, effective diplomacy, and meaningful international trade.

The reauthorization of the Bilingual Education Act contained in H.R. 11 continues the funding priority for transitional bilingual education, but allows also for programs of academic excellence, adult literacy, and development bilingual education. In response to a continuing concern expressed in hearings on bilingual education, H.R. 11 would significantly increase the amount of available data on LEP children and provide for additional information about the characteristics and outcomes of the bilingual programs designed to serve them through an increased emphasis on data collection, evaluation, and monitoring.

Currently, only programs which employ transitional bilingual education methods—that is, those which use the child's native language to some extent in delivering the regular curriculum content—can receive funding under the Bilingual Education Act. Many believe this to be the best approach to educating the language-minority child, because it does not sacrifice cognitive development for rapid acquisition of spoken English. However, we are largely bereft of objective evaluations comparing TBE with other methodologies such as English as a second language [ESL] and immersion, which have been useful in certain situations around the country.

H.R. 11, however, includes, for the first time, a provision which would allow Federal dollars to be spent for alternative approaches. The language included in the committee bill came after long negotiations between myself and my colleagues DALE KILDEE, STEVE BARTLETT, and JOHN MCCAIN, and represents a careful and thoughtful approach to examining the effectiveness of the various methodologies.

As vice chairman of the congressional Hispanic caucus, I would like to note that the compromise language contained in H.R. 11 has the support of groups such as the Mexican-American Legal Defense & Education Fund [MALDEF], the National Council of La Raza, the League of United Latin American Citizens, the National Associaton for the Bilingual Education [NABE], the National Puerto Rican Coalition, the Joint National Commission of Languages, the National Asso-

ciation for Asian & Pacific American Education, the National Congress of American Indians, and the National Association for Vietnamese American Education. Additionally, the National Education Association [NEA] and the National School Board Association [NSBA] have indicated their endorsement for the bilingual education provisions of H.R. 11.

I strongly urge my colleagues to support the adoption of H.R. 11.

Mr. Chairman, I can tell my colleagues definitely that this bill improves significantly and makes more efficient current law on bilingual education, and I urge colleagues to support this bill in all of its parts and commend again, of course, Chairman PERKINS for his excellent work, and those on the minority side for bringing this bill to the House.

□ 1700

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I want to congratulate my colleagues who have worked so hard in drafting this compromise language affecting bilingual education, and I support this compromise.

The Bilingual Education Act was enacted in order to provide a method of teaching those children who have a limited proficiency for the English language. There are two main reasons why title VII of this bill deserves our full support.

First, it provides for State and local boards of education, a considerable degree of flexibility in determining what type of bilingual program best serves their local needs.

And, second, it allows continued support for the traditional transition method. I know this method is preferred by many of my constituents from the Hispanic community. In either case, the final decision is left up to local boards of education. Thus keeping decisionmaking authority as close to local school officials as possible.

More and more families are entering the United States each year from foreign countries. I believe it is the responsibility of the Federal, State and local governments to teach these students the English language and American cultural values. By insuring that these new students learn English proficiently, we are not only helping them adjust to their new homeland, but we are ensuring that they will adapt to the American way of life and in turn contribute to its economy.

Mr. PERKINS. Mr. Chairman. I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. Mr. Chairman, I rise in support of H.R. 11. It is omnibus legislation which has much to commend it. I am particularly in support of the Women's Educational Equity Amendments of 1984, and the 2-year extension of the Adult Education Act.

Women are equally represented in the primary, secondary, and higher educational institutions of America. Why then do we still need WEEA? WEEA is intended to make sure that when girls and women participate in the educational process, they will not be underrepresented in courses in math, science, computer science, and other fields that have been traditionally labeled "for men only" in the minds of students. By encouraging girls and women to enroll in courses in math and science, WEEA has helped to ensure that all students in our Nation will reach their full potential and be eligible for the jobs that interest them. WEEA has been especially helpful as a source of funding for projects that help minority women and handicapped women who want to participate fully in the educational process and the labor force.

WEEA provides grants for programs and projects that encourage girls and women to learn subjects that their older sisters and mothers did not have the opportunity to learn. These projects can serve as a model to educators all over our country.

This year, members of the Education and Labor Committee voted to improve the WEEA program in several ways. The purpose of WEEA is clarified, the activities that it supports are specified more clearly, and the funding level for the small grants program is increased to keep pace with the inflation that has occurred since the bill's previous levels were established in 1978. H.R. 11 also clarifies the role of the National Advisory Council on Women's Educational programs, and specifies the kinds of expertise needed by the members of the Advisory Council. This description of the criteria for members of the Advisory Council is especially important for two reasons: First, several members that were appointed in recent years had political experience but no expertise in education; and second, since 1978, the number of citizens with special expertise in educational equity has increased dramatically, so that we can now choose from a large number of citizens who have the kinds of backgrounds most appropriate and helpful for the Advisory Council.

Why is WEEA still important? There are several reasons:

First, girls continue to do more poorly than boys in certain high school subjects. Even when they demonstrate equal ability on aptitude tests;

Second, men and women remain relatively segregated in many technical college and university courses, particularly in math, science, engineering, nursing, and teacher education; and

Third, men still far outnumber women in many graduate and professional schools, even though recent studies have indicated that college educated women and men have increasingly similar educational goals.

These are the kinds of problems that WEEA has successfully addressed in the past, and can address in the future. WEEA has funded programs aimed at helping all girls and women, and has especially improved the educational opportunities of minority, handicapped, and low-income women and girls. For these reasons, WEEA deserves to be reauthorized and strengthened, by making several changes that reflect the successes and shortcomings of the original WEEA legislation.

I am also in support of the limited 2-year extension of the Adult Education Act.

We have witnessed much concern during this Congress for education. Much of this concern was sparked by evidence that our competitive economic edge was becoming blunted. Declines in productivity and international economic superiority were attributed, in part, to the detrimental effects of poorly educated workers. As a consequence of this concern about educational quality, the Congress has been working to develop suitable legislative solutions.

Most of the solutions being proposed are aimed at correcting problems that exist in elementary and secondary education, but it is not only our youngsters who are experiencing educational difficulties. Conservative estimates place the number of adult illiterates at about 23 million, with an additional 2.3 million adults joining that number annually.

These millions of adults are functionally illiterate: They do not possess the skills and the essential knowledge that would enable them to carry out important social, economic, and civic responsibilities. These millions of adult illiterates are caught in low-skilled jobs or they are unable to secure employment because literacy is essential to obtaining and retaining a job, as well as advancing in the work force. It is impossible to know exactly the costs of this high degree of illiteracy, but some recent estimates indicate that the benefits of literacy outweigh its costs by a factor of 5. It may be, then, that what we spend on efforts to obliterate illiteracy will yield a return on the investment of five times the cost.

Adult education is an important component of our national educational effort because literate functioning is a prerequisite to personal and economic success. Adult education is important because our rapidly changing industrial marketplace requires workers who are sufficiently literate to respond ef-

ficiently and effectively to the demands of their jobs.

Because quality education is so essential, I am pleased to support passage of H.R. 11. Just as importantly, however, because adult education is so important, I am pleased that the committee accepted my amendment to only reauthorize this act for 2 years.

The Adult Education Act was established in 1966. While some changes were made in 1978, there has not been a critical examination of the programs created by this act in nearly 20 years. Adult education is just too important to be slighted this way. The 2-year extension will enable existing programs to continue to receive funding through 1987 and will also allow the Congress sufficient time to hold hearings to examine the effectiveness of the Adult Education Act and to plan responsibly for needed change.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I wish to commend the chairman of the committee, the gentleman from Kentucky [Mr. PERKINS], for the excellent work he has done on this legislation, and I commend all the members of this committee.

Mr. Chairman, I rise in support of H.R. 11 which proposes to reauthorize a number of important educational programs. Of special concern to me are two provisions specifically regarding education in the U.S. Virgin Islands: reauthorization of general assistance to the Virgin Islands and teacher training for all of the territories.

General assistance to the Virgin Islands was intended to partially compensate the Virgin Islands for problems created by Congress through the passage of Federal legislation—Public Law 91-225—and a subsequent U.S. district court ruling—Hosier against Evans—which added 7,000 noncitizen students into the territory's public schools.

Since 1979, only $10.54 million of the originally authorized $25 million have been made available to improve public school education in the U.S. Virgin Islands. The intent of Congress was to correct the problems caused by the tremendous increase in the Virgin Islands school population, but frankly, we are still struggling to get on our feet.

While public education has experienced declining enrollments nationally, the Virgin Islands school enrollment has been growing steadily. Presently, over one-third of the territory's estimated 100,000 population is of school age.

Our academic concerns are also increased by the return to public schools of a large number of children previously attending nonpublic schools. Over 20 percent of Virgin Islands children, as compared to a composite national average of 8 percent, attend nonpublic schools. However, the downturn of the economy and the resulting increase in unemployment in the last 3 years has caused many families to transfer their children from private schools to public schools, placing an even greater demand on the public school system.

Since 1970, the Government of the Virgin Islands has committed between 25 to 33 percent of its operating budget to support public education. Currently, the Department receives approximately $64 million of the $233 million general fund appropriations. The Government of the Virgin Islands is nonetheless committed to the improvement of education and supports and recognizes the needs of its Department of Education.

In spite of financial constraints, previous capital improvement projects have added a total of 13 schools since 1970 that are serving 10,808 children. Additional construction projects have resulted in the completion of 99 classrooms at previously existing schools. The Government of the Virgin Islands has spent close to $100 million to deal with the physical needs caused by the increased enrollment.

Past expenditures have not been sufficient to meet the physical demands, and, at the present time overcrowded conditions still exist.

The U.S. Virgin Islands consists of three major islands and a number of smaller islets and cays separated by 40 miles of open sea. The 35 public schools administered by the Virgin Islands Department of Education are located on the three major islands. Because of this physical separation, a duplication of services, personnel, materials, and equipment is necessary and results in increased costs. The distance from the U.S. mainland also results in increased costs to purchase materials, supplies, and equipment. On most of our purchases an additional 15 to 20 percent is expended for transportation charges. These additional charges also apply to the purchase of building materials which are used for the construction of new schools and renovations and alterations of existing facilities. As a result of these factors, the dollar does not go as far in the Virgin Islands as it would on the mainland. This amplifies our need for this assistance.

I ask you to consider the Virgin Islands' position in the Caribbean, especially in light of the recently enacted Caribbean Basin Initiative. Virgin Islanders are proud of their U.S. identity. Part of that identity is our relation to the mainland school systems and its standards. We are located in the midst of islands newly independent, some leaning toward Communist ideologies. From this perspective we consider it important to assert a strong U.S. model. A direct indicator is the care we take in the education of our children.

The funds provided under general assistance will be used to upgrade our physical facilities through classroom renovation and construction, develop curricula and expand remedial efforts. This plan will serve as the catalyst to effect mandatory changes in our public school system. It is designed to provide additional tangible educational benefits to our children and to develop changes in our current educational curriculm practices.

The Territorial Teacher Training Program is beneficial to all of the territories. This program has helped the offshore possessions to acquire a more stable teaching force.

The territories have been forced to recruit large numbers of teachers from the continental United States. Many leave after very short tenures. The teacher training programs provide effective teaching methods and techniques for our own people to use, and have been an important first step in attempting to fill the demand for elementary and secondary school teachers.

While each territory has devised varying programs to meet its individual situation, these plans have the common goals of training recruited teachers, specialists, and administrators to understand and cope with the unique cultural and social aspects of the community, and to improve teaching methodology. This has resulted in an increase in teacher effectiveness and a decrease in the high teacher turnover rates. In addition, the Departments of Education in the respective territories have identified highly qualified teacher aides, paraprofessionals, and gifted secondary students and encouraged them to pursue careers in the teaching field.

A total of 160 individuals have been involved in the Teacher Training Program in the Virgin Islands; 28 have received degrees, 16 of whom received their degrees in June of this year. This fall, 140 students are expected to enroll in the program.

While major steps have been taken, there is still a need for additional funding to complete the job of training local teachers in the territories. I urge you to reauthorize these two programs, both of which have a vital impact on the ability of the U.S. Virgin Islands to educate its children.

In closing, I wish to join my colleagues of the Hispanic Caucus in endorsing the bilingual education provisions of this bill. I am particularly pleased by the set-aside in this program for a flexible instruction approach.

This is a good bill, a necessary one. I urge its passage. In particular, I urge that we guarantee the education of

the children of the Virgin Islands, so that they may rightfully embark into the future alongside all other children of America.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this legislation to reauthorize a number of important education programs. Of particular importance to my home State of New Mexico is the reauthorization of programs under the Indian Education Act and the Bilingual Education Act.

While H.R. 11 extends programs under the Indian Education Act for 5 years, the bill also makes a number of changes in the laws governing Indian schools including the establishment of procedures to be followed before closing schools. This is an important and long overdue change in light of the recent BIA ordered closing of the Sanostee Boarding School in Sanostee, NM. This school is a focal point for community activities in Sanostee and its sudden closure has caused great concern among the students who don't know where or if they will be attending school next year. H.R. 11 would require the BIA to report to Congress 1 year in advance of any proposed school closing and to thoroughly examine student needs and provide for alternative facilities prior to the closing. I would hope that the Bureau will apply these standards retroactively with respect to the Sanostee Boarding School and make every effort to reopen the school or provide for an alternative site acceptable to the Sanostee community.

Mr. Chairman, I also want to express my strong support for the reauthorization of the Bilingual Education Act.

My district in New Mexico is 40 percent Hispanic. The first language of many of our children is Spanish; the Spanish language is an integral part of our culture and heritage, of which we are all very proud.

You can well imagine the problems a young Spanish-speaking child, 5 or 6 years of age, faces when he or she starts school and cannot understand the instructions of the teacher, cannot keep pace with the class, cannot understand the stories being read. Before the Bilingual Education Act became law in 1968, more than 80 percent of these students dropped out of school. Achievement test scores for students with limited proficiency in English were 2 years below the expectancy norms. Limited familiarity with English made it extremely difficult for these children to attempt reading and writing and to develop conceptual skills. Implicit in English-only instructions was nonacceptance of the child's culture, heritage, and ethnicity. Extraordinarily high dropout rates meant low paying jobs for many, many children simply because they were raised speaking a different language than mainstream America.

Bilingual education programs have reduced the school dropout rates of Hispanic students by more than 50 percent. Bilingual education ensures that a child receives uninterrupted instruction while learning English as a second language. It increases the feeling of acceptance and self esteem which, in turn, leads to an improved self-concept and more successful performance. Most importantly, bilingual education programs increase the child's capacity for learning as the transition to a new language is made.

The need for continuing bilingual education in our schools is indisputable. Les ruego a mis colegas que se junten conmigo para asegurar todas oportunidades educacionales a cada hijo Americano. I urge my colleagues to join with me in ensuring full and educational opportunity for all of America's children.

I urge Members to support H.R. 11.

● Mr. MATSUI. Mr. Chairman, I rise today in strong support of H.R. 11, the Education Amendments Act of 1984. This bill will reauthorize 11 important education programs, programs such as Adult Education, Bilingual Education, and the Women's Educational Equity Act, that are vital to our Federal commitment to promoting equity and improving quality in education.

I recently received a letter from Mr. Bill Honig, the superintendent of public education for the State of California, in which he praised this legislation and urged the House's favorable consideration of the passage of this bill. Mr. Honig cited section 809 of the bill as particularly vital to the State of California. This provision will provide urgently needed improvements in educational auditing procedures. This mere codification of the intent of Congress will provide at least 60 California school districts from an audit claim totaling $28 million.

I particularly praise the reauthorization and extension of the Emergency Immigrant Education Program and the Bilingual Education Act. In addition, I commend Representatives BARTLETT, CORRADA, KILDEE, and MCCAIN for their outstanding efforts in improving the Bilingual Education Act which includes alternative instructional approaches while continuing support for the traditional transitional methods.

My State of California alone is home for nearly 50 percent of all refugees that immigrate to the United States. Our school districts are burdened by a continuing influx of immigrant children, whose education involves increased costs. Without funding through such programs as the Emergency Immigrant Education Act and the Bilingual Education Act, we would be unable to provide our new residents with much-needed educational services to assist them in assimilating and participating in our society.

Children of limited-English proficiency are a Federal constituency in the same way as handicapped children, disadvantaged children, and other special-needs groups. A student's right to intelligible instruction is a fundamental right that is protected by Federal law. As the number of students of limited-English proficiency increases daily, it becomes evident that we are losing the full depth of our Nation's potential by failing to utilize their talents and capabilities. It is through such programs as the Emergency Immigrant Education Program and the Bilingual Education Act that we can prevent academic retardation and negative self-concepts and can effectively enhance the student's whole future capability for learning. Our investment in these programs today can only reap benefits for our Nation tomorrow.

I urge my colleagues to join me in supporting the Education Amendments Act of 1984. If we are serious about our commitment to promoting equity and improving quality in education, it is crucial that we pass this important legislation. Inequality in education cannot be tolerated, for our Nation's national security, economic strength, and quality of life is dependent upon the literacy of all its citizens.●

● Mr. GAYDOS. Mr. Chairman, in 1962, then-President John F. Kennedy, speaking on the importance of education in this Nation's efforts to stay a world leader in the space race, said: "A child miseducated is a child lost. The damage cannot be repaired. Civilization, ran an old saying, is a race between education and catastrophe."

Things really haven't changed much since 1962. We are still racing to stay a world leader, except that today our concern is not so much the space race as it is the technology race. And the importance of education is even more certain.

This Nation is changing. We still are the world's melting pot. We are still a Nation made up of Americans from other nations, of other languages. But our national needs are still the same: skilled people to fill skilled jobs.

H.R. 11, the 1984 education amendments, is a key element in our Nation's ability to compete in the present-day battle to keep from becoming a second class power.

H.R. 11 extends the lives of 11 educational programs, from bilingual education to emergency immigration education assistance, from women's educational equity to Indian education, from asbestos school hazard detection and control to the national assessment of educational progress and adult education.

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Two of these programs, in my mind, rank foremost in importance: Bilingual education and adult education.

Last year, some 216,000 children—of the estimated 1 to 3 million eligible for bilingual education—received instruction in some 80 different languages.

There are those who argue against bilingual education programs, suggesting that earlier immigrants didn't receive this special training and adjusted quite well. To these critics, I say that those were different times: Life was simpler; work was simpler; it was easier to find a niche in society even if you didn't have a complete command of the English language or American customs.

Today, as we all know, life is much more complex. We are a mobile society. The new immigrants to our shores find it more difficult to adjust to American life, and America needs this human resource more quickly because we, as a nation, are in a war for survival. The new technology requires minds that can adapt.

To quote President Kennedy once more:

> When the youngest child alive today has grown to manhood, our position in the world will be determined first of all by what provisions we make today—for his education, his health, and his opportunities for a good home and a good job and a good life.

I contend, Mr. Chairman, that the bilingual education programs to be extended until 1989 in H.R. 11, with the changes proposed by the House Education and Labor Committee, will help us achieve what John Kennedy had hoped we would.

The second vital part of this bill deals with adult education. It is no secret in this country that we are living longer. It is also no secret that Americans are staying in the work force longer, and changing jobs more often—some for personal achievement; others because of necessity such as those steelworkers who have been laid off with little prospect for ever returning to work in the steel industry.

We in this Nation must provide an opportunity for those citizens who have either dropped out of high school or seek training in new areas because of necessity to return to school and pick up the pieces of their lives.

It is critical to the future of America that those who left early or need new skills as well as those just entering school get the kind of education that will enable them to become solid, working citizens, contributing to this country.

For, without this skilled resource, our people, America certainly will not be able to compete in today's or tomorrow's world.●

● Mr. ROYBAL. Mr. Chairman, I strongly support H.R. 11, as reported out of the Education and Labor Committee, and oppose attempts to weaken the compromise reached with regard to the extension of the Bilingual Education Program.

Title II of H.R. 11, which provides for revisions of the Bilingual Education Act, represents a well-crafted bipartisan compromise. This compromise, while retaining the effective aspects of the current law, provides for greater program flexibility in assisting students with limited English proficiency to acquire English language skills and academic achievement.

First of all, title II continues support for the current transitional bilingual education programs which use English language instruction, in combination with the student's native language, to improve academic performance and English proficiency. Further, it strengthens those programs by requiring "structured English language instruction" together with the student's native language.

In addition, title II of H.R. 11 provides for the use of alternative instruction such as English as a second language or structured immersion in the English language. It also specifies that research will be conducted on the use of alternative methods of acquiring English language proficiency under the Bilingual Education Act. It further opens up funding of alternative instruction methods within the teacher training and technical assistance components of the act.

This bipartisan compromise goes even further in strengthening the English language objective by authorizing English literacy programs for the parents and out-of-school members of the family. This is a substantial improvement over the earlier act, for it clearly outlines the importance of the family in providing an English proficiency setting for the student and in providing needed language skills for employment and job advancement.

Finally, this compromise authorizes a new program, called developmental bilingual education, which allows English-speaking students as well as non-English-speaking students to acquire a second language. This new program is especially important in light of the failure of our school system to provide for the study of foreign languages. I would like to point out that Secretary of Education Terrel Bell also affirmed the need to improve language instruction for all students, regardless of their language background. He called the study of foreign languages a national priority and an integral part of our push for academic excellence.

It is for these reasons that I rise in strongest support of H.R. 11 as a well-developed approach to bilingual education, and urge opposition to any weakening amendment to this effort.●

● Mr. SMITH of Florida. Mr. Chairman, today this body considers H.R. 5231, the Academic Equity and Excellence through Bilingual Education Act of 1984, which forms part of H.R. 11, the omnibus reauthorization bill for several education programs.

Bilingual education—an education by which the student becomes proficient in the English language—is necessary to our Nation's future. Children with limited English proficiency have been found to be one of the most undereducated groups of all American children. It is to our advantage to assist these children as early as possible in their education. It is an investment in our Nation's future. As students become proficient in English, they will be better able to take a more active part in the economic and social life of this Nation. In turn, future generations will benefit from those students who take part in bilingual education.

In all, limited-English-proficient students come from homes where over 90 languages other than English predominate. Only about one-third of the 2.64 million children aged 5 to 14 identified in a 1978 study are receiving either bilingual education or English as second language according to the Department of Education. This means that approximately 1.8 million children nationally go without bilingual education and are left to survive in an education system based on a language they do not understand.

Department of Education statistics show that while the total school-age population is expected to increase between now and the year 2000 by 16 percent, the expected increase in limited-English-proficient students in the same time is 40 percent. The need for this legislation, therefore, is quite evident.

By passing this legislation, we will reaffirm the commitments Congress has made to all the children of this Nation.●

● Mr. SIMON. Mr. Chairman, as an original sponsor of H.R. 5231, legislation reauthorizing the Bilingual Education Act, I rise in strong support of the pending legislation, H.R. 11, which revises and extends the authorizations for several important education programs including title VII, the Bilingual Education Program.

All of these programs are critical to maintaining the current Federal role in education and continuing Federal support for proven programs which demonstrate Congress' commitment to educational excellence. In the past year, the Nation's public schools, its teachers and many Federal programs have been subjected to criticism. We have been judged a nation at risk and much name calling and blame placing have characterized our struggle to provide quality and equity for all students in our public schools. Amidst this name calling and blame placing, some of us in this House have continued the difficult and often thankless task of assuring that the foundation pro-

grams, at the Federal level, which assure to all of America's schoolchildren and some adults equality of educational opportunity and a quality education, are continued. H.R. 11 represents the final products of one of those efforts.

I would like to pay special tribute to the chairman of our full Committee on Education and Labor, my distinguished friend from Kentucky, and to my colleague and friend from Pennsylvania, Mr. GOODLING. These two gentlemen, more than any others, have fought the good fight for education and defended our foundation programs against budget cutters and conservative policymakers who would abandon this Nation's commitment to the expansion of educational opportunity and the quest for quality in elementary, secondary, vocational and higher education.

I am especially pleased that my four colleagues on the committee, Mr. KILDEE and Mr. CORRADA, who will be leaving the House soon, as well as Mr. BARTLETT and Mr. MCCAIN, have joined together—in a bipartisan fashion—to support a compromise on the bilingual educational provision. The bilingual education provisions should be supported by all Members because they are important to education, to international understanding and world peace, and to our national security.

Language minority students comprise about 14 percent of the 39 million U.S. public school population, or about 1 in 7 students. Their numbers are growing rapidly in relationship to the declining student population. Bilingual education takes on even greater importance as the number of students able to benefit from or requiring bilingual instruction grows. In Chicago, IL, for example, 23 percent of the district's 434,042 students are language minority or lack English proficiency sufficient to function in the classroom. Current projections of language minority by the National Center for Education Statistics [NCES] indicate that their numbers could reach 101.8 million by the year 2000—up from 78.3 million in 1980. No matter what kind of program approach is adopted, increasing numbers of language minority students in the classroom pose important issues for educators: First, availability and competencies of bilingual teachers and other personnel; second, certification standards for selection and retention of bilingual teachers; and, third, inservice and community support services for teachers and principals.

At a time when the national need dictates that we should be increasing the exposure of our citizens to other languages and cultures, that exposure is declining. Cultural isolation is a luxury America can no longer afford. Cultural pride should not be continued with regionalism. Let's look at the facts:

Of those who graduate from public high school today, fewer than 4 percent have more than 2 years of a foreign language. By comparison, France, which we sometimes criticize for cultural isolation—or arrogance—requires all students to take at least 4 years of a foreign language starting in the sixth grade. In 1974, there were one-half million fewer U.S. high school students enrolled in foreign languages than in 1968 despite the growth in total student enrollment during those years. Of 22,737 secondary schools in the Nation, 4,344 do not teach any foreign language, and the number of schools that do teach foreign languages is declining.

The United States continues to be the only nation where you can graduate from college without having had 1 year of a foreign language during any of the years of schooling. It is even possible to earn a doctorate here without studying any foreign language.

Because of our rich ethnic mix, the United States is home to millions whose first language is not English; 1 of every 50 Americans is foreign-born. We are the fourth largest Spanish-speaking country in the world. Yet almost nothing is being done to preserve the language skills we have or to use this rich linguistic resource to train people in the use of a language other than English.

Of the 11 million U.S. students seeking graduate and undergraduate degrees, fewer than 1 percent are studying the languages used by three-fourths of the world's population, and only a small number of that small number will ever achieve a reasonable degree of competence. For example, there are 300 million people who speak Hindi, but fewer than 300 Americans are studying that language.

Forty-four percent fewer students enrolled in college foreign-language programs between 1963 and 1974, despite the fact that during that same period the Nation became much more dependent upon exports for jobs.

One-fifth of the Nation's 2-year colleges offer no foreign language. For 2 years—1973 and 1974—I taught at Sangamon State University in Illinois, in most respects a fine school. But not a single foreign language course is taught there. By contrast, most of the developed nations—and many of the developing nations—offer every elementary school student the chance to learn a foreign language.

In 1915, 85 percent of the Nation's colleges required that a student pass a competency test in a foreign language before he or she could enter. As of 1975, only 10 percent of the Nation's colleges or universities even required that the school record show that the student had taken a foreign language.

Language study is an essential part of personal growth, international understanding and our Nation's national security. For these reasons, I have long supported bilingual education and foreign language study in elementary, secondary and postsecondary schools. Jack Anderson's Washington Post column of July 15, 1984, "The CIA's Bilingual Education" makes a critical point—in a somewhat humorous fashion—a Mexico City-based CIA agent had to take along an interpreter when he met with an important Mexican party official to obtain secret information because the agent could not speak Spanish. Former CIA Deputy Director Administrator Bobby Inman made the point more cogently in testimony on my Foreign Language Assistance Act:

> I spent the last 4 years as Director of the National Security Agency. I was for a year in the job that General Larkin has and, before that, 2 years as the Director of Naval Intelligence. Throughout all of those assignments, the importance of foreign language capabilities has been brought home steadily, first the need for foreign language capabilities to exploit open source unclassified information available to us. Much is available which we never get translated, to sift through the huge volume for its potential use in educating this country on political and economic areas of concern to us or technical concerns developed in what are currently nonadversarial countries.
>
> In our human intelligence needs it is not just an ability to understand the language that is important, but rather there must be the ability to converse with total fluency, to understand the nuances of conversation, and to be able to persuade others in their own language why they should give help to the United States in understanding events in their own countries or in other areas of the world where they can provide us assistance.

While the bilingual education provisions of this bill won't solve all of America's economic, social and national defense problems, it will, along with H.R. 2708, the Foreign Language Assistance for National Security Act, begin to improve language instruction and cultural understanding.

The compromise worked out by my colleagues on the committee is an excellent one. It:

Would allow use of Federal funds for alternative instruction, such as English as a second language [ESL] or structured immersion;

Specifies that 4 percent of the current level of funding plus 50 percent of new funding will be reserved for alternative instruction, up to 10 percent of the total appropriation;

Establishes funding for alternative instruction at various appropriations levels:

$140 million: $5.6 million for alternative programs;

$150 million: $10.6 million for alternative programs;

$165 million: $16.5 million for alternative programs;

Recognizes that the primary purpose of bilingual education programs is to teach students English;

Specifies that research will be done into alternative methods to teach children English, as well as into traditional bilingual education;

Encourages States and local school districts to develop and implement appropriate instructional programs for limited English-proficient students, and

Allows the Secretary to give funding priority to school districts which find it impracticable to implement traditional bilingual education or which already have such programs and want to try new approaches.

I urge my colleagues to support H.R. 11.

Mr. Chairman, I also rise today in support of the amendment offered by my colleague, Mr. FORD of Michigan, that modifies certain provisions of H.R. 11, regarding Department of Education audits of State and local agencies conducting educational activities with Federal program funds.

I am aware of problems in Illinois and elsewhere that have been created by the audit procedures administered by the Department of Education. Specifically, the Illinois State Board of Education has charged that the appeals process for violations determined by the Department through the education appeals board has violated due process rights guaranteed by Congress. In order to correct this, the provisions of H.R. 11 allow the right of discovery under the Federal Rules of Civil Procedure to apply to the process for appeal of audit findings. It also provides that the Department of Education must support a case with actual evidence rather than a mere conclusionary statement contained in a letter of final audit determination.

The amendment offered by Representative FORD clarifies several of the requirements of section 809, while preserving the intent of this important section.

I commend my colleague for working diligently to provide protections for States and local school districts, while assuring that Federal moneys are expended appropriately. I urge approval of this amendment.●

● Mr. SHUMWAY. Mr. Chairman, while I am opposed to H.R. 11 overall, largely due to the excessive authorizations called for in the legislation, I am particularly concerned with title II of the bill relating to bilingual education. Although H.R. 11 earmarks for the first time Federal funds for instructional methods other than bilingual education for students of limited-English proficiency, the legislation essentially continues the one-sided reliance on a single approach, bilingual education, for the instruction of these special students.

Few would disagree that proficiency in English is essential to educational, professional, and social opportunities for America's newcomers. Certainly there are difficulties in providing adequate instruction to those of limited-English proficiency and special programs may be needed. The education of the estimated 1.7 to 3.6 million school-aged children with limited English ability is a problematic task which must take into account a variety of unique linguistic, educational, and social factors.

Despite the diversity of limited-English-proficient students throughout America, for almost a decade we have highlighted bilingual education as the method for increasing limited-English-proficient students' proficiency in English; H.R. 11 continues this one-sided reliance on the bilingual approach through fiscal year 1989. However, although bilingual education has been the teaching strategy utilized to the virtual exclusion of alternative instructional approaches, largely due to the "Lau remedies" developed in 1975 by the Department of Health, Education and Welfare, little conclusive evidence has been produced which supports the effectiveness of bilingual education. One of the most recent and comprehensive reviews of bilingual education conducted by the Department of Education in 1980, concluded, "the case for the effectiveness of transitional bilingual education is so weak that exclusive reliance on this instructional method is clearly not justified."

Mr. Chairman, with so little evidence available to support bilingual education's effectiveness in promoting English language learning among limited-English-proficient students, it makes little sense, in my view, to continue expending millions of Federal dollars each year on this one approach. With the need for restraint and frugality in all areas within the Federal budget, it hardly strikes me as prudent policy to devote scarce Federal dollars, as the legislation before us does, to an instructional approach which has not been proven to be the most effective method in encouraging English proficiency among limited-English-proficient students.

Moreover, I have serious reservations about the Federal Government prescribing to school districts a specific approach to remedy the problem of educating America's LEP students. Clearly, local school districts are in a stronger position than the Federal Government to identify and meet the unique needs of students. As in most areas of education, the need is for less, not more, Federal control of what goes on in the classroom. Federal policy should give States and local school districts more flexibility to decide which programs best meet not only the specific needs and circumstances of their students, but which meet their budget priorities as well.

The legislation before us today fails to recognize this, allowing just 4 percent of the funds authorized to be used for projects which use instructional methods other than bilingual education for teaching their limited-English-proficient children. H.R. 11's continued emphasis on the bilingual approach reflects, in my view, Congress' inability to address the disturbing questions surrounding this instructional method and to broaden the educational methods used to instruct our Nation's special limited-English-proficient students. Mr. Chairman, to continue to rely on an approach which does not necessarily facilitate the learning of English, and thus which may actually impede the assimilation of our Nation's linguistic minority children into the American mainstream, will tragically serve to keep many of America's linguistic minorities forever on the fringes of America's English-speaking mainstream.●

● Ms. KAPTUR. Mr. Chairman, H.R. 11, the bill before us today, would reauthorize 11 education programs that are vital to continuing the Federal Government's commitment to promoting equity and improving quality in education. These programs represent a significant investment in our Nation's future. In order to ensure the fullest return, they must have the strongest support and backing that this Congress can give.

I am particularly pleased to see provisions in this legislation which address two very important issues facing our country. One is title IV which reauthorized the Women's Educational Equity Act at $50 million a year for fiscal years 1985 through 1989. The other is the extension of the Asbestos School Hazard Detection and Control Act through fiscal year 1989 at an authorization level of $22.5 million for grants to local school districts for asbestos detection activities and $75 million for interest-free loans to districts for asbestos abatement projects.

The Women's Educational Equity Act is the only Federal grants program addressing sex equity at every level of education. Grants are made available to public agencies, nonprofit organizations and individuals for projects of national, general or statewide significance in advancing educational opportunities for women. A second-tier system of grants for projects of local significance has never been implemented due to insufficient funding. I hope that the modest increase over current funding represented by this legislation will allow adequate money to encourage this second set of WEEA goals.

Since its inception, WEEA has supported projects to increase educational opportunities for disabled women and

girls, to expand access of women to positions in school administration and to promote the enrollment of women in mathematics, science, and nontraditional vocational courses. In 1970, boys outnumbered girls 13 to 1 in interscholastic sports. Today, that difference has been reduced to 2 to 1. In 1972, women comprised 43 percent of 4-year college student bodies. In 10 years, that proportion had increased to 52 percent.

Despite a record of progress, there is still much to be done to eliminate inequities and discrimination that remain in the educational system. In 1972, women held only 10 percent of the full-time professorships at public and private institutions. Since then, there has been no increase. Women occupy only 25 percent of administrative and policymaking positions at the State and local educational levels although they make up 66 percent of all school teaching positions. The Bureau of Labor Statistics estimates that 90 percent of today's girls will be employed outside the home. Without a strong educational background, they will be directed toward lower paying jobs.

Clearly, the Federal commitment to educational equity for women and girls must be preserved and strengthened. The reauthorization of WEEA is a cornerstone of this commitment.

I also applaud the committee's inclusion in H.R. 11 of provisions which speak to a very grave and serious danger that threatens millions of schoolchildren and educational employees. A Department of Education report has estimated that 14,000 schools may contain asbestos hazards requiring removal. Each schoolday, our Nation's children and teachers are exposed to this deadly substance which could result in a massive future health problem in increased incidences of cancer and other fatal diseases.

The Asbestos School Hazard Detection and Control Act was passed in 1980 to promote the detection and removal of asbestos from our Nation's schools. Tragically, repeated efforts to secure appropriations have failed, with the administration refusing to request funding in the budget every year since this bill's enactment. Last year, an amendment to the Health and Human Services appropriations bill was made in this body to include funding for this program. Regrettably, the Senate eliminated this money in conference committee.

The reauthorization of this law through fiscal year 1989 is imperative. Funding of this program is a matter that Congress can no longer ignore. All the advances in education and expansion of learning opportunities are worth very little if, in the process, our children's health is destroyed. Let us support this extension and insist on its complete funding.●

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Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Education Amendments of 1984".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—ADULT EDUCATION ACT AMENDMENTS

GENERAL EXTENSION OF AUTHORIZATION

SEC. 101. (a) Section 311(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986".

(b) Section 313(b) of such Act is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1986".

(c) Section 315(a) of such Act is amended to read as follows:

"SEC. 315. (a) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 and 1986 to carry out the provisions of this title.".

(d) Section 318(f) of such Act is amended by striking out "four" and inserting in lieu thereof "seven".

The CHAIRMAN. Are there any amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—REVISION OF THE BILINGUAL EDUCATION ACT

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'.

"POLICY; APPROPRIATIONS

"SEC. 702. (a) Recognizing—

"(1) that there are large and growing numbers of children of limited English proficiency;

"(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

"(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

"(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

"(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

"(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

"(7) that in some school districts, establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

"(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

"(9) that children of limited English proficiency have a high dropout rate and low median years of education;

"(10) that the segregation of many groups of limited English proficient students remains a serious problem;

"(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

"(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

"(13) that parent and community participation in bilingual education programs contributes to program effectiveness;

"(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

"(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the four succeeding years such sums as may be necessary.

"(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the four succeeding fiscal years.

"(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1).

"(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this Act; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1).

"(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

"(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752.

"DEFINITIONS; REGULATIONS

"SEC. 703. (a) The following definitions shall apply to the terms used in this title:

"(1) The term 'limited English proficiency' when used with reference to individuals means—

"(A) individuals who were not born in the United States or whose native language is a language other than English,

"(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation, and

"(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

"(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

"(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his level of educational attainment.

"(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(6) The term 'special alternative instructional programs' mean programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"(8) The term 'programs of academic excellence' means programs of transitional bilingual education or developmental bilingual education which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

"(9) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs.

"(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs for persons of limited English proficiency' when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to subpart 3 of part B of the Vocational Education Act of 1963, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

"(b) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

"(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

"SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

"(1) programs of transitional bilingual education;

"(2) programs of developmental bilingual education;

"(3) special alternative instructional programs for students of limited English proficiency;

"(4) programs of academic excellence;

"(5) family English literacy programs;

"(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

"(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

"(b)(1)(A) A grant may be made under subsection (a) (1), (2), (3), or (4) of this section only upon application therefor by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

"(B) A grant may be made under subsection (a) (5) or (6) only upon application therefor by one or more local educational agencies; institutions of higher education, including junior or community colleges; and private nonprofit organizations, applying separately or jointly.

"(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

"(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

"(A) the number of children enrolled in programs conducted by the local educational agency;

"(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

"(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

"(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

"(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

"(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

"(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(H) the resources needed to develop and operate or improve the proposed program;

"(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

"(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

"(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

"(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

"(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

"(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

"(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

"(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

"(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

"(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

"(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

"(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

"(C) the extent to which the persons to be served by the program have been involved in its development;

"(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

"(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

"(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

"(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

"(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary if he determines that an applicant is prepared to successfully operate the proposed instructional program.

"(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

"(i) the applicant's program does not comply with the requirements set out in this title;

"(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

"(iii) there is no longer a need for the applicant's program.

"(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

"(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

"(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

"(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

"(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

"(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

"(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

"(f) An application for a grant under subsections (a)(1) and (a)(2) of this section may be approved only if the Secretary determines—

"(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

"(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels

are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

"(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

"(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children, or

"(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

"(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program, similar to that proposed for assistance, on a regular basis which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

"(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

"(A) the geographic distribution of children of limited English proficiency,

"(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title,

"(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities, and

"(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

"(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

"(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

"(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

"(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, nonpublic schools, as required by subsection (f)(2) of this section, the Secretary shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

"(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—

"(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

"USE OF FUNDS

"SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

"GRANTS FOR STATE PROGRAMS

"SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State and local educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

"(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than $50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

"(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"PROGRAM EVALUATION REQUIREMENTS

"SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

"(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

"(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

"(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

"(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

"EVALUATION ASSISTANCE CENTERS

"SEC. 734. The Secretary shall establish through competitive grants to institutions of higher education at least two evaluation assistance centers which shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of three years.

"RESEARCH

"SEC. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

"(b) Research activities authorized to be assisted under this section shall include—

"(1) studies to determine and evaluate effective models for bilingual education programs;

"(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

"(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

"(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

"(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

"(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

"(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

"(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

"(c) In carrying out his responsibilities under this section, the Secretary may delegate his authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

"(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

"COORDINATION OF RESEARCH

"SEC. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

"EDUCATION STATISTICS

"Sec. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish as part of its annual report on the condition of education data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

"(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

"PART C—TRAINING AND TECHNICAL ASSISTANCE

"USE OF FUNDS

"SEC. 741. (a) Funds available under this part shall be used for—

"(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

"(2) the training of persons to teach and counsel such persons;

"(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

"(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

"(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

"(b)(1) A grant or contract may be made under subsection (a) (1), (2), or (3) of this section upon application of an institution of higher education.

"(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

"(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

"(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721(e) of this title.

"(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

"(1) teaching English as a second language;

"(2) use of a non-English language for instructional purposes;

"(3) linguistics; and

"(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

"MULTIFUNCTIONAL RESOURCE CENTERS

"SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish through competitive grants or contracts at least 16 multifunctional resource centers (hereafter in this section referred to as 'centers'). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

"(b) In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

"FELLOWSHIPS

"SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

"(b) The Secretary shall undertake an ongoing longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

"(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

"PRIORITY

"SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

"STIPENDS

"SEC. 745. The Secretary shall include in the terms of any arrangement described in this part for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"PART D—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

"SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the 'Office') through which the Secretary shall carry out his functions relating to bilingual education.

"(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all of his delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

"(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986, 1988, and 1990, shall submit to the Congress and the President a report on the condition of bilingual education in the nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

"(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficent personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL EDUCATION

"SEC. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom he shall designate as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilin-

gual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1989.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

"(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.".

AMENDMENTS OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer two amendments to title II, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ERLENBORN: Page 6, line 11, insert after the period the following new sentences: "Such programs are not for students whose usual or dominant language is English. Such programs may utilize the child's existing non-English language as the language of instruction in various subjects but are not to teach non-English languages as a subject.".

Page 9, line 9, insert "whose dominant language is a language other than English" after "secondary schools".

Mr. ERLENBORN. Mr. Chairman, the sole purpose of these two amendments, which I offer en bloc, is to ensure that bilingual education is focused on those language minority students most in need of special transitional language services—not on those whose usual language already is English.

My first amendment would add to the definition of a program of transitional bilingual education designed for children of limited English proficiency the following words: "whose dominant language is a language other than English."

My second amendment—and, as I said, I am offering them en bloc—my second amendment would add language to the declaration of policy making it clear that the Congress does not intend transitional bilingual education programs to be used for students whose usual or dominant language is English.

I believe this restoration of the original purpose of the program is necessary for two reasons: One, research has shown that approximately two-thirds of the students meeting the definition of program eligibility contained in H.R. 11 speak English as their major language. Two, the rationale provided by this committee to support reauthorization of the Emergency Immigration Reauthorization Act, as well as projections for future growth in the number of limited English proficient students, point up the need to make sure that Federal assistance for teaching the English language is targeted on persons who are in fact limited English proficient and not on those who already know the language.

Mr. Chairman, I could cite a number of studies that have found that more than one-half the students in certain bilingual classes were predominately English speaking. The Department of Education's Inspector General, for example, reported that in one Texas school district 91 percent of the students were English speaking.

The children who customarily speak English still may need instruction that takes into account their language difficulties, but they usually have less need for immediate services than children who speak little or no English at all. I believe we should focus our support where it is needed most. My amendments would do that. I urge my colleagues to support the very sensible proposition that we give priority to helping those who most need the help.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this has been discussed many times before, the concept being those who would qualify for bilingual education. In every instance it has been rejected and I will tell you why.

I think the limited English proficiency has borne the test of time. It has been used well by those who have delivered the bilingual services. Those who have been receiving bilingual services. I think they have been better served by that.

Let me tell the gentleman that when we use the language he suggests, "whose dominant language is other than English," that is rather vague. Having taught school for a number of years and having taught students who at that time needed bilingual education, but which was not being provided either by the State of Michigan or funded by the Government of the United States, I found it difficult to determine in students what the dominant language was. Their language on the street might be one language. Indeed, their language in the classroom might be another language. Their language in the hall could be another language and then you might even find the language at home to be another language. It would be difficult to determine under the gentleman's definition then what their dominant language was; but in every instance these students did have limited English proficiency and they benefited, I know, when bilingual education finally came in, benefited by using that definition, rather than the definition the gentleman would use.

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

Mr. KILDEE. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I can understand the gentleman's concern. You cannot with very great definition determine who is better than 50 percent proficient in English, let us say, and there certainly are going to be those gray areas in the middle.

The whole purpose of my amendment is not to be that specific and say we are going to have a cutoff point here. It is rather to say if we have children who are proficient in English, even though not totally proficient, it is better that the funds not be used for that group of students and rather that we use the limited funds for a group of students who obviously cannot converse or learn or cannot understand English.

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It is to just set priorities, and I think the gentleman would agree with me that if in a school you can only serve a portion of those whose dominant language may be other than English, that the funds be used for those who cannot learn in the English-speaking classes rather than to take those who are already fairly proficient in English and put them into a Spanish or other than English class.

Rather, they should be in some sort of a class that would improve the English proficiency that they already have.

So it is merely a matter of setting priorities and seeing that the limited funds go to those most in need.

Mr. KILDEE. I think it goes beyond setting priorities. It is changing, really, the thrust of the bilingual program that has worked well.

Having taught before bilingual education, and having visited bilingual schools now, I know that using that LEP definition, limited English proficiency, has worked well and I think it is more than just setting priorities. It is changing the thrust of bilingual education and I would oppose the amendment.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the gentleman's amendment.

I have a great deal of respect for, and I work with, the gentleman from Illinois. He is the ranking member of my committee and we have worked together on every bill including this one.

But I must oppose this amendment because I think that the amendment is both unnecessary and exceedingly cumbersome for school districts.

In the first place, in terms of being unnecessary, I do not know of what school district the gentleman or the school the gentleman referred to, but I have some knowledge of Texas schools. In Texas, schools use bilingual education primarily with local funding, primarily State and school district funding, and they use bilingual education to assist students in the acquisition of English proficiency. So I do not know of any Texas schools that are using either local funding or Federal funding for predominantly English-speaking students.

I think this amendment would take away the flexibility that we all seek to give to school districts and to parents. The fact is that school districts ought to be encouraged to design new types of curriculum that would find new ways of teaching limited English proficient students. Some school districts may design a curriculum that would involve, with the parents' consent, some small portion of that classroom or some portion of the school day, in fact, with a period in which the limited English proficient students and the English-speaking students would be in the same classroom taking the same course subject and doing very well at it.

In addition to that, I would suggest that there are parents, and there are increasing numbers of parents in Texas, who may well choose bilingual education for their children for various reasons. Many of these parents may have children who already speak English and are proficient in English. I do not think the Federal Government should be in the role of prohibiting those parents from choosing that curriculum for those students.

I think one of the reasons a parent might well choose bilingual education for an English-speaking student, and this is not a very large number, is the value to those students of being multilingual, of being bilingual. In fact, immersion does work and a bilingual program for English-speaking students is one form of immersion and it would work both ways.

I do think that there are problems with definitions. I think that any time we cavalierly add some new Federal regulation as to which student's usual or dominant language is English, I think we do have severe problems with definitions.

So I would oppose the amendment, although I support my friend. I would oppose the amendment because of the need to keep that flexibility for school districts, recognizing that 90 percent of the money, perhaps 95 or 99 percent of the money is local school district money and State money, and they should be allowed to design their own curriculum.

Mr. ERLENBORN. Will the gentleman yield?

Mr. BARTLETT. I am happy to yield.

Mr. ERLENBORN. I want to thank the gentleman for yielding and say my colleague from Texas is most persuasive. I like the rhetoric that I hear from him about giving the most flexibility to local school districts. I am just sorry the gentleman did not have that in mind in committee when he voted against my amendment that would have given total flexibility to the school districts to utilize the bilingual teaching methods of their choice rather than having them dictated from Washington.

Mr. BARTLETT. Reclaiming my time. I appreciate the gentleman's point because in fact this bill puts into Federal law flexibility in curriculum for the first time in the history of bilingual education. As the gentleman knows, I advocated that flexibility at the subcommittee hearings, at the subcommittee markup, and at the full committee markup, and was able to achieve a compromise which provides for flexibility for school districts. They may choose and design alternative instruction for the first time in the history of bilingual education.

We disagree about how much money would be spent on it, but it legitimizes alternative instruction and flexibility which is important.

Mr. ERLENBORN. Will the gentleman yield further?

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

Mr. ERLENBORN. I will not further pursue that with the gentleman. As he knows, I do not believe that giving a small percentage of only that additional money that might be appropriated over the current level, I do not believe that is sufficient. But let me go to another element.

I heard the gentleman talking about parental discretion as well, and I hope that the gentleman and expect that he probably will support the next amendment that I offer that will provide that the schools not place children in these bilingual education programs without the permission of the parents. I think the parents ought to have a say in this.

Mr. BARTLETT. Reclaiming my time, I believe not only should parents have a say in the curriculum that is given to them in their classroom but parents in fact, in Texas and in most of the States, do have a say in that curriculum.

I do have and will offer a clarifying amendment to the gentleman's amendment. But I do support the intent of the gentleman's amendment on parental discretion.

Again, I would not impose new burdens on the school districts, but I would seek to achieve flexibility.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. ERLENBORN].

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 4, noes 10.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. ERLENBORN

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

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 20, after line 25, insert the following new subparagraph:

"(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) what alternative educational programs are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Before any student may be enrolled in any bilingual education program funded under this title, the school shall request and receive parental approval for any such enrollment.

Mr. ERLENBORN. Mr. Chairman, I realize that the last amendments I offered were highly controversial and that caused the outpouring of Members on the floor so that we had that division of 10 against and 4 in favor. But I think that the amendment I am now offering will probably calm the waters and I think will be acceptable, I think it should be acceptable to everyone.

Mr. Chairman, I rise to offer an amendment to allow parents to decide whether their children should participate in a program of bilingual education.

H.R. 11, current law and regulations permit the schools to place children into bilingual programs without consulting with the students' parents. This amendment would require the school to obtain parental permission before enrolling students in a bilingual education program.

Some parents want bilingual education for their children, others do not. As the Washington Post pointed out in April, large numbers of Mexican-American parents living along the Mexican border in Texas are unhappy

with bilingual education. They want their children taught in English. Parents must be given a voice, and a major voice, in any decision that so affects their child's future. Parents should have the opportunity to decide whether or not they want their children in a bilingual education program.

Too few Federal bilingual programs now involve parents in this decision. In a study of 60 bilingual programs, it was reported that only 37 of the projects involved parents in the decision to any degree.[1] And far too often the parental involvement is only an opportunity to exercise a veto over the school's decision. Real parental involvement, which this amendment would provide, requires the school to present the parent with the choice, and then let the parent decide.

□ 1730

AMENDMENT OFFERED BY MR. BARTLETT TO THE AMENDMENT OFFERED BY MR. ERLENBORN

Mr. BARTLETT. I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT to the amendment offered by Mr. ERLENBORN: In the matter proposed to be inserted by the amendment of the gentleman from Illinois, strike out the last sentence and insert in lieu thereof the following: "Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.".

Mr. BARTLETT. Mr. Chairman, I believe this amendment to the amendment clarifies the intent of the gentleman's amendment. It is the gentleman's intent, and I support that intent, to support parental rights: To give parents the choice of the curriculum for their children.

I would note that many, and so far as I know all school districts, at least all of them in Texas, are already doing this. Schools already informing parents of their children's participation in bilingual education, and giving them the right to withdraw.

I would submit the way the amendment is now drafted it is entirely too cumbersome. The amendment would impose a new Federal law or Federal regulation that would tell school districts precisely how much consent they have to get. It would lead to a whole new set of Federal regulations to require that positive assent.

Mr. Chairman, school districts are already doing this. I have visited with a number of them in Texas. In fact, I brought to the House floor a copy of notification of English as a second language program entry form from K through 12, from the Dallas Independent School District. This is not unique to DISD, it is widespread, in California, Michigan, Texas, Arizona, and other States.

I would like to submit to the House this parental consent form, which is sent home to every student where English is the second language and also bilingual education, the opening day of class.

It says:

DALLAS INDEPENDENT SCHOOL DISTRICT,
Dallas, TX, October 14, 1983.

NOTIFICATION OF ENGLISH AS A SECOND LANGUAGE PROGRAM ENTRY—K-12

Date ———, 19——

DEAR PARENT OR GUARDIAN: The Dallas Independent School District is committed to provide a program of instruction for students who are not proficient in English and would have difficulty with their schoolwork. The English as a Second Language (ESL) Program has been developed to give such students help in speaking, reading and writing English. It is a pleasure to inform you that —— will be receiving ESL instruction. In addition to ESL, your son/daughter is also receiving instruction in the regular English curriculum depending on the level of English proficiency.

If you have any questions, I will be happy to meet with you.

Sincerely,

LINUS WRIGHT,
General Superintendent.

———————————

Principal

———————————

Please sign and return this letter within 10 days to indicate that you have been informed and support the school's decision regarding your son/daughter. Parental consent shall be assumed if the letter is not returned to the school.

———————————

Parent/Guardian

———————————

Date

The last is the key sentence that would be made possible by my amendment to the gentleman's amendment: "Parental consent shall be assumed if the letter is not returned to this school."

I do think we should give schools some flexibility in sending out the parental consent form and not require some new burden.

I do support the intent. I think this amendment to the amendment accomplishes that.

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

Mr. BARTLETT. I would be happy to yield.

Mr. ERLENBORN. Let me first ask the gentleman, and this is a serious question, is this letter of which I have a copy, the one you just read, is this sent to the parents in this English form only or do they send it in Spanish?

Mr. BARTLETT. Reclaiming my time, I am glad the gentleman asked. I also have a copy of that form in Spanish and in Vietnamese. My Spanish is a little rusty so I did not try to read it in Spanish to the House, and my Vietnamese is nonexistent. It is sent in the child's native language.

Mr. ERLENBORN. My first reading of your amendment led me to believe that I would support it. I did not notice that you were striking out the last sentence of my amendment.

The very definitive difference we have between the gentleman's approach and mine could probably be illustrated in one of two ways. First, we have had in the past in some of our schools student activity fees program where at one time Ralph Nader and his supporters in the universities were able to have support for some of his activities included as student fees, and a checkoff system.

So they would take the money from the student's fees that he paid to the university unless the student affirmatively signed a statement saying he did not want Ralph Nader to get the money.

I really never saw that as a very fair way of approaching that sort of situation. An automatic checkoff, many students were not aware of it, or forget to exercise their rights to not have their student fees sent to Ralph Nader. This has that same sort of aspect to it.

Mr. BARTLETT. Reclaiming my time, I understand the gentleman's concern but I do not approach bilingual education as some sort of a malevolent fee that goes to Ralph Nader or is in any way comparable.

The fact is parents in this country are universally concerned with the education of their children, particularly parents whose native language is not English.

In all the schools using this, the schools have a very high rate of return, and they do have parents come and ask that their student child is taken out of the program.

I think it works well. I think the gentleman's amendment to require that positive assent in fact would in many circumstances be too cumbersome to carry out.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ERLENBORN and by unanimous consent, Mr. BARTLETT was allowed to proceed for 3 additional minutes.)

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

Mr. BARTLETT. I yield to the gentleman.

Mr. ERLENBORN. I thank the gentleman.

What bothers me about this, Mr. Chairman, is that it does take the other tack, that the school officials know best and that the school officials may make a decision wholly without consultation with the parents, then give the parents merely a veto.

Now the approach in my amendment is to say that this is too serious a deci-

[1] Development Associates, Inc. A Descriptive Study of the Classroom Instruction Component of the ESEA Title VII Bilingual Education Program. Arlington, VA 1983.

sion to be taken in a vacuum, apart from parental consent, parental involvement. Mere inaction on the part of the parent here after a decision has already been made without consultation, would enroll the student.

I think the parents should be brought in in consultation and should participate in the decisionmaking.

Mr. BARTLETT. Reclaiming my time, I would make two points in rebuttal: No. 1, in fact the first part of gentleman's amendment is intact and it is a good amendment insofar as it goes. The first part states that the parents be informed of the reasons for the selection of their child, what alternative educational programs are available, the nature of bilingual education program and the instructional alternatives.

So there is preconsultation because the gentleman's amendment is intact. That is point No. 1. The gentleman's amendment with my amendment does require consultation.

No. 2, I suppose, is that I do believe that it is an amendment that would be agreed to by at least this cosponsor of the bilingual bill and I believe by the other side as well, with this amendment.

So if parental consent is what the gentleman is after, as we are all, I would think it would be a good way to achieve it by accepting this amendment.

Mr. ERLENBORN. Just one very quick observation, if the gentleman will yield: The gentleman's amendment combined with mine does not really involve any discussions with the parent, any joint decisionmaking.

The decision can be made by the school and then they merely send out a form advising them, "This is what we intend to do, these are some alternatives and then if you do not take action, your student is going to be enrolled."

It does not really involve consultation, merely information. Mine would require consultation.

Mr. BARTLETT. Whatever consultation is in the gentleman from Illinois' amendment, my amendment has exactly the same language.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. MARTIN of New York. The gentleman from Texas I understand what he is trying to do is to remove some of the burden and paperwork on the local school district, in some instances perhaps having to chase down parents or guardians to get this affirmative input from them.

But let me ask the gentleman as a practical matter, under your amendment, if for whatever reason the parent or guardian did not respond or did not get the mail or did not understand, and some time after that found out that perhaps they did not want their child in this program, is there anything on earth to prohibit them from saying so?

Mr. BARTLETT. I appreciate the gentleman's question. My amendment is specific. It says the parents shall be informed that they have the option of choosing enrollment of their children in such programs and given an opportunity to do so if they choose so. There is no time limit on it. The parents simply have the option.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Federal law states very clearly a concept that we sometimes fail to enforce here in either Congress or sometimes in school districts. This one enforces it.

□1740

Federal law states: "Parents have the primary responsibility for the education of their children."

I believe that my amendment, combined with the amendment of the gentleman from Illinois, would accomplish that.

There is no time limit in answer to the gentleman's question.

Mr. MARTIN of New York. What we are trying to do, I am sure, is make sure that the parent has the maximum input, that if there were such a situation perhaps that they would change their mind during the course of a semester. There is nothing to keep them from coming in and raising the objection and then the child would no longer be objecting to this.

Mr. BARTLETT. The gentleman is correct. My amendment states very clearly that the parents have the option, and that is the key word, the option.

Mr. MARTIN of New York. I thank the gentleman.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment to the amendment and in opposition to the original amendment.

Mr. Chairman, title VII, like chapter 1, like migrant education and all other Federal programs, does not confer upon parents the right to determine whether their children shall be in, say, chapter 1 or not.

But, however, it does not preclude school officials from giving parents such a choice.

That is the case in most instances where bilingual education is being offered. I know in California the parents are given that option. In Texas, New York, Illinois, Connecticut, and Florida.

But I do think that since the Federal Government now is trying to get involved in how this option shall be exercised rather than leaving it exclusively up to the States, as is the case now under present law, that I think the Bartlett amendment does make the gentleman's amendment better.

I would be willing to accept the Bartlett amendment.

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

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

Mr. ERLENBORN. I thank the gentleman for yielding.

As the gentleman well knows under the handicapped law, the Federal handicapped program, we require that the handicapped be given the full educational opportunity. We also require that before a program is undertaken that a program be designed, put in writing, and that there be consultation with the parents.

Now, I do not see why the parents of the predominantly Spanish speaking should be treated any more shabbily than the parents of the handicapped. I think they should also be taken into consultation, should have an opportunity to sit down with the school officials and find out what this program is and to exercise some discretion.

But it seems to me you have a double standard here. You say the handicapped, you are going to consult the parents, but those who are handicapped, not physically, but because they do not happen to speak English as well, are not going to be treated quite the same, you are merely going to give them an opportunity to veto, if they understand the chance that they have to veto.

Mr. KILDEE. If I may say, I do not think they should be treated shabbily at all and I do recall I fought 3 years ago to keep the parental advisory committee in for chapter 1. But the gentleman did not support me on that. I wish the gentleman had supported me on that.

As a matter of fact, let me tell the gentleman from Illinois, that in most cases parents are involved. Bilingual education in Michigan involves the parents to a great degree. I think this is the case in most areas. It is a chance where you can bring the parents into the school probably more than any other program.

But I do wish the gentleman had supported me on chapter 1.

Mr. ERLENBORN. If the gentleman would yield further. I could not support the gentleman on that because I think the parents are too important to turn over to some committee, some advisory committee, the rights that each parent should exercise over their own children.

Mr. KILDEE. Mr. Chairman, I would hope that we would adopt the Bartlett admendment to the Erlenborn amendment.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from Texas [Mr. BARTLETT] to the amendment offered by the gentleman from Illinois [Mr. ERLENBORN].

The question was taken, and on a division (demanded by Mr. BARTLETT) there were—ayes 14, noes 4.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN], as amended.

The amendment, as amended, was agreed to.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on all amendments to the bill and on the bill close at 6:30.

The CHAIRMAN. The Chair will advise the gentleman that the entire bill has not been open to amendment as yet. Only title II has been designated for amendment.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the bill be open to amendment at any point, and that all debate on all amendments that are offered close at 6:30.

The CHAIRMAN. Is there objection to the first part of the request of the gentleman from Kentucky that the entire bill be open to amendment at any point?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, does this protect the right of the gentleman to offer a new title at the end of the bill? I believe the gentleman from Pennsylvania [Mr. GOODLING] and others may have amendments that may go on past 6:30.

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

Mr. BARTLETT. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

It would, as I understand, yes.

Mr. BARTLETT. With those rights to offer amendments, would those amendments be offered after 6:30, that is, tomorrow, or between now and 6:30?

Mr. PERKINS. They would be offered after 6:30 immediately. And then they would be voted on.

Mr. BARTLETT. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. Mr. Chairman, let me suggest to my committee chairman that I do not think anyone has been dilatory. We have been moving along rather rapidly. We are still on the first title that we have taken under consideration. We have been on it much less than an hour, and that probably was the most controversial.

I do not believe Members would have anticipated debate being cut off on this bill, and probably amendments have not been printed in the RECORD.

Mr. PERKINS. Mr. Chairman, I withdraw my unanimous-consent request. I wanted to accommodate some of my friends on that side.

AMENDMENT OFFERED BY MR. KILDEE

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

The Clerk read as follows:

Amendment offered by Mr. KILDEE: On page 22, line 4, strike "and (a)(2)" and insert in lieu thereof ", (a)(2), and (a)(3)".

Mr. KILDEE. Mr. Chairman, my amendment is technical in nature and would clarify that grants for programs of special alternative instructions authorized under section 721(a)(3) are subject to the same general requirements, including the evaluation requirements, applicable to transitional bilingual and developmental bilingual programs. The minority has seen the amendment and I am aware of no objections.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

These are technical amendments and I do support the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE].

The amendment was agreed to.

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

Mr. Chairman, I would like to engage my colleague from Michigan [Mr. KILDEE] in a very brief colloquy to clarify a technical point.

I would like to clarify that the 10-percent set-aside for special alternative programs is to be available for all the programs in the bill including those of demonstrated effectiveness such as authorized under section 721(a)(4).

Does the gentleman agree this is the intent?

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

Mr. McCAIN. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Yes, this is clearly the intent.

Mr. McCAIN. I thank my colleague.

I would just like to make a few remarks concerning title II of the bill that we are now considering.

The bill is a product of long hours of negotiations and compromise. Local curriculum flexibility in federally funded bilingual education programs is allowed for the first time by this legislation. I believe this is a vital concept which should be instituted in this bill.

As my colleague from Pennsylvania [Mr. GOODLING] has stated, this authority has mandated a specific form of instruction in the past. Transitional bilingual education calls for instruction in a student's native language and is not always workable, practical, or possible.

□ 1750

However, as a result of this agreement, funds have been set aside for alternative programs of instruction. Local school boards will be able to determine the best form of instruction for their areas.

For instance, in my district there is one school that has students whose native language is Spanish, others who speak English and others who are Yaqui Indians. A strict form of transitional bilingual education under this school system would not be possible. It would be even more difficult to make transitional bilingual education work in a large urban area with students from Vietnam, Cambodia, Central America, and other parts of the world. It would be next to impossible to find instructors to teach in all of the languages and dialects that are available.

In rural areas or parts of the country with a small language minority population, transitional bilingual education would also be unworkable.

Finally, a number of school districts have not been pleased with transitional bilingual education and have wanted to try something different. This title of H.R. 11 would allow those districts to implement bilingual education programs and to meet their individual community's needs.

For those Members who doubt the goals of this program, I want to point out once again that this legislation recognizes that the goal of bilingual education is to teach students English. Unfortunately, some groups have raised the unfounded concern that bilingual education will institute and perpetuate a two-language system. Nothing could be further from the truth. We must teach all students English without destroying their ethnic heritage and we must make sure that limited-English-proficient students are not left behind their English-speaking peers.

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

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

Mr. GOODLING. I am happy to hear the comments that the gentleman just made, because I was going to offer an amendment because I felt there was apparently an omission in the bill, because in our discussion, and as we put the bill together in committee, I am sure that we said that of the several grant programs authorized by title II of this bill, they would be grants for academic excellence programs, and we did not tie them down to any one way to bring about excellence in those programs. If they are excellent programs using various methods, we would then give grants for that purpose. And I hope that everybody understands on both sides of the aisle that that is what was meant as a matter of fact, and I would be

very happy to hear the gentleman from Michigan comment on that statement.

Mr. McCAIN. Reclaiming my time, I appreciate the comments of the gentleman from Pennsylvania. I guess it might be helpful if there were any further comments of the gentleman from Michigan as to his agreement as to the intent of this legislation.

I yield to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Will the gentleman just briefly rephrase his question? I was occupied with someone else at the time.

Mr. McCAIN. The programs of academic excellence will be eligible for the funds set aside for special alternative programs. That was not clear in the way the legislation is presently written.

Mr. KILDEE. That is my intent.

Mr. McCAIN. Beyond transitional programs.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I only do so because now I am not quite sure whether I should be offering this amendment or not.

Let me make my statement, and then I will determine whether I should offer an amendment or not.

As I understood it, when this bill left our committee the several grant programs authorized in title II of this bill would include grants for academic excellence programs. These grants are designed to help identify, strengthen and disseminate exemplary programs as models for other developing programs.

The definition of "programs of academic excellence" in the bill mentioned programs of transitional bilingual education and developmental bilingual education but failed to include special alternative instructional programs. It is my understanding that this is an omission, it was an oversight. If I offered an amendment, my amendment would merely permit alternative instructional programs to be also considered as candidates for model demonstration programs. These are model demonstration programs. We certainly do not want to limit them to only one or two methods of instruction, I would think, at least that is not what I understood when it left the committee.

Mr. KILDEE. What I would prefer to do at this point, if that problem does indeed exist, I will be happy to work with the gentleman and Mr. McCAIN in conference to resolve that problem, and I will give the gentleman my commitment on that.

Mr. GOODLING. Well, there is no question the way the bill is written at the present time, with that omission, you clearly say that only bilingual education programs with established records of providing effective academically excellent programs are eligible for the fourth class of grants, academically excellent programs.

Here you very definitely say that it is transitional and developmental bilingual education. That is not what I understood——

Mr. KILDEE. You want to include the new 10-percent——

Mr. GOODLING. I want to include alternative programs.

Mr. KILDEE. Yes. I again would be willing to work that language out with the gentleman in the conference committee.

Mr. GOODLING. Does the gentleman object to my offering this particular amendment at this time?

Mr. KILDEE. I do not have a copy.

Mr. GOODLING. As I said, we really should clarify this now because the understanding when it left committee was that you are talking about exemplary programs.

Mr. KILDEE. If you have your language ready to achieve that, let me take a look at the language here.

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

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. BARTLETT. As I heard the colloquy by Mr. McCAIN and Mr. KILDEE and as I heard Mr. GOODLING's statement, and my own feelings as one of the sponsors of this, I believe that we are all saying the same thing, that we concur.

Mr. KILDEE. Having looked at your language here, I find the amendment acceptable.

Mr. GOODLING. Then I will offer that amendment.

AMENDMENT OFFERED BY MR. GOODLING

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

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 12, line 18, strike out "or" and insert in lieu thereof a comma, and on line 19, insert ", or special alternative instruction" after "education".

Mr. GOODLING. Mr. Chairman, I already gave my argument for this amendment. Would the other side like to at this time say that it is an acceptable amendment?

Mr. KILDEE. Yes. Mr. Chairman, if the gentleman will yield, I still keep my word of acceptance on that, yes.

Mr. GOODLING. We are very happy to accept this amendment on this side of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—AMENDMENTS TO FEDERAL IMPACT AID LAWS

GENERAL EXTENSIONS OF AUTHORIZATIONS

SEC. 301. (a)(1) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236) is amended by striking out "October 1, 1983" each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof "October 1, 1989".

(2) Section 3(d)(2)(E) of such Act is amended—

(A) by striking out "fiscal year 1983 or 1984" in division (ii) and inserting in lieu thereof "any of the fiscal years 1983 through 1989"; and

(B) by striking out division (iii).

(3) The Omnibus Education Reconciliation Act of 1981 is amended—

(A) by striking out section 504;

(B) by striking out subsections (a) and (b) of section 505 and inserting in lieu thereof the following:

"SEC. 505. (a) Of the amount appropriated to make payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) for any fiscal year, $21,000,000 shall be available for payments under section 2 of such Act."; and

(C) by redesignating subsections (c)(1), (2), and (3) as subsections (b), (c), and (d), respectively.

(b) The Act of September 23, 1950 (Public Law 815, Eighty-first Congress; 20 U.S.C. 631) is amended—

(1) by striking out "September 30, 1983" in section 3 and inserting in lieu thereof "September 30, 1989"; and

(2) by striking out "October 1, 1983" in section 16(a)(1)(A) and inserting in lieu thereof "October 1, 1989".

COLLECTION OF OVERPAYMENTS

SEC. 302. In the case of any local educational agency which the Secretary of Education determines has received, for any fiscal year after fiscal year 1976, an overpayment under section 2 of the Act of September 30, 1950 (20 U.S.C. 237) as a consequence of a recomputation of need based on revised data, the Secretary shall not require more than 10 percent of the amount of the overpayment to be repaid (or deducted from current payments) in any fiscal year.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Page 49, after line 19 insert the following new section:

AMENDMENTS TO IMPACT AID PROGRAM

SEC. 303. (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of Public Law 98-211 (97 Stat. 1419)) are redesignated as subsection (h) of section 5 of that Act.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, this amendment deals with three specific situations in the impact aid program which require legislative remedy. The amendment ensures that payments made under section 3(d)2(B) of the statute will not be prorated and provides no less than 100 percent of entitlement for "A" students for districts which are coterminous with military installations.

The so-called 3(d)2(B) districts are those where the Federal impact is so great that even after using all available sources of funds the local educational agency still cannot provide an adequate level of education. Specifically, section 3(d)2(B) provides that if a local education agency: First, has 50-percent enrollment of federally connected students; second, cannot provide a level of education equivalent to that of comparable districts in the State using its impact aid funds plus State and local revenues; third, is making a reasonable tax effort; and, fourth, is being treated no less favorably than any other district in the State with respect to State aid, then the Secretary of Education shall increase the district's impact aid funds to the extent necessary to enable it to provide a level of education equivalent to other comparable districts. There were 12 school districts that received 3(d)2(B) payments in fiscal year 1983. There have only been a handful of school districts that have consistently received 3(d)2(B) payments including Bellevue, NE; Fort Leavenworth, KS; and Douglas, SD. The amendment provides that the payments to these extremely needy districts will not be prorated.

Similarly, the amendment provides that school districts which are coterminous with military installations will receive 100 percent of their entitlement for their "A" students. Since there is no local tax base at all, these districts are also extremely reliant on impact aid funds to sustain quality education. This provision will affect six school districts: three in Texas, two in Arizona, and one in Kansas.

Finally, this amendment places a provision enacted last year for the State of Hawaii as part of the Education Consolidation and Improvement Act technical amendments in a separate section of the law. Since the Hawaii provision was attached to a section of Public Law 874 that appropriations language usually waives, this amendment places the Hawaii provision in its own section to ensure that it is not inadvertently waived.

This amendment is identical to provisions included in the legislation in the other body to extend the impact aid program, and it has been endorsed by the National School Boards Association, the National Education Association, the American Association of School Administrators, and the National Association of Federally Impacted Schools.

This amendment clearly stands on its own merits and, in addition, its inclusion in H.R. 11 will facilitate a conference with the Senate.

□ 1800

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

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

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

As I understand these amendments, there is no increase in cost?

Mr. FORD of Michigan. No; there is a reallocation of funds with the Hawaiian amendment, but it does not add any authorization.

Mr. GOODLING. Mr. Chairman, we accept those amendments on this side.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman.

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

Mr. FORD of Michigan. I yield to the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding, and I want to especially thank the gentleman for his efforts here.

Mr. Chairman, I rise in support of H.R. 11, the Education Amendments of 1984. At the end of this fiscal year, the authorization for 11 major Federal education programs is set to expire. H.R. 11 extends the statutory authority for these programs to allow for their continued operations.

As a former educator in Hawaii's public school system, I believe it is extremely important that the House pass H.R. 11, thereby maintaining the Federal role and assistance provided to State and local school districts in important areas such as impact aid, adult education, and women's equity. Category B under the impact aid program, adult education and the women's equity programs, for example, will expire by the end of this fiscal year. Other sections of the impact aid program are scheduled for expiration by fiscal year 1985.

Impact aid is essential to the State of Hawaii. It is a program which helps compensate the State's public school system for educating Hawaii's share of federally connected children. I am especially concerned over the elimination of category B of the impact aid program, and the effect this phaseout will have on military parents and their children.

In Hawaii, many people in the military do not live in base facilities. Because of the limited supply of on-base housing, military personnel have no choice but to rely upon off-base housing. Military families living off-base usually find housing in areas close to the facility to which they are assigned, and in most instances, they send their children to the public schools within that vicinity. The elimination of category B will remove this classification; namely, children of parents in the armed services living off base, from recognition under the impact aid program.

The State of Hawaii has a high concentration of military-connected students. This is attributable to our country's significant defense activity in the Pacific. For example, the Commander-in-Chief Pacific [CINCPAC], the command for all U.S. forces in the Pacific, the Far East, and Southeast Asia, is headquartered on the island of Oahu. My State also has the largest permanent military establishment in the entire Pacific region.

The Congress must not overlook the problems or needs of military families in my State and in other parts of our country. Military parents, like all parents, want the very best in education for their children. One major difference, however, is that military personnel are constantly subject to reassignments and changes in duty stations. While Hawaii would apparently be an ideal duty station, many military parents are troubled that basic needs such as housing and education are not being satisfactorily met.

The Hawaii public school system like other impact aid eligible school districts have struggled to continue to serve their students despite the severe reductions made in the impact aid program. To compensate for the loss of assistance from this program, various proposals have been considered by the Hawaii State Legislature, including legislation to charge the Department of Defense an education fee for the cost of educating children of military parents attending Hawaii's public schools. This legislation further sought to bar these children from at-

tending the State's public schools if this fee was not paid.

While this legislative proposal was not adopted, this action illustrates the taxpaying public's view that the educational needs of children of military parents should not receive equal attention from the State of Hawaii if the Federal Government continues to ignore the financial needs of Hawaii's public school system. I sincerely believe that the phaseout of category B coupled with continued reductions of impact aid funding would be a clear signal that the Federal Government is turning its back to the needs of impact aid eligible host States; this will, in turn, further alienate military families from the local communities in which they reside.

I urge the Members in this House to join my colleagues and I who have risen to support H.R. 11. The impact aid program and the several other education programs in this bill should be maintained in keeping with our Government's commitment to quality and fairness in education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYDEN

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

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 48, after line 15, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(3) Section 3(c)(2)(A) of such Act is amended—

(A) by striking out division (i); and

(B) by redesignating divisions (ii) and (iii) as divisions (i) and (ii), respectively.

Mr. WYDEN. Mr. Chairman, I rise today to offer a simple amendment to H.R. 11 with regard to impact aid.

As you know, this worthwhile program has helped out school districts nationwide for years by providing schools with funds to pay for the education of children whose parents live and work or live or work on Federal property.

I would like to tell the Members briefly about a problem that a small school district in my congressional district is experiencing. The Bonneville School District presently has eight students who qualify for impact aid—six for the A program and two for the B program.

As the Members know, impact aid money is allocated on a formula which allows districts to receive funds if there are at least 400 students and 3 percent of their student population qualifies for this aid. However—and this is where the problem lies—despite the percentage of the number of students who qualify, if the number of students is less than 10, a school district is dropped from the program.

Because the Bonneville School District has only eight eligible students, the district was dropped from the program, even though it meets the formula criteria. Without the aid, the district is having to educate these children for free. The current tuition for high school students in the district is $4,700 per student per year. For Bonneville, the loss of these funds is a substantial one.

Under my amendment, we would drop the ceiling level of 10 students so that smaller school districts may still be eligible for this worthwhile program. My amendment deletes the ceiling level but keeps the percentage formula intact.

According to a Congressional Research Service study, only eight other school districts in the Nation will be affected by this amendment so the cost is negligible. I would appreciate the Members support to help smaller school districts keep their impact aid moneys.

Finally, I particularly want to thank the gentleman from Michigan, Chairman FORD, the gentleman from Kentucky, Chairman PERKINS, and the gentleman from Pennsylvania, Mr. GOODLING, for their generous assistance in the development of this amendment.

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

Mr. WYDEN. I yield to the chairman of the committee, and I thank him for his help.

Mr. PERKINS. Mr. Chairman, let me state that we have these situations occasionally coming up in the construction of reservoirs and dams throughout the Nation and when people are fenced off. These are emergency cases, and I see nothing wrong with lowering the requirements.

So, I would suggest that we accept the gentleman's amendment.

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

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

Mr. GOODLING. Mr. Chairman, we would be happy to accept the amendment on this side.

Mr. WYDEN. I thank the gentleman; both of them have been most helpful.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN].

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, beginning with title IV, is as follows:

TITLE IV—WOMEN'S EDUCATIONAL EQUITY

SHORT TITLE; REFERENCE

SEC. 401. (a) This title may be cited as the "Women's Educational Equity Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.).

(c) Such Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

FINDINGS AND PURPOSE

SEC. 402. (a) Section 931(b)(1) is amended by adding at the end thereof the following: "The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.".

(b) Section 931(b)(2) is amended by adding at the end thereof the following: "It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex, and on race, ethnic origin, disability, or age.".

GRANT AND CONTRACT AUTHORITY

SEC. 403. Section 932(a) is amended by adding at the end thereof the following: "The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.".

CHALLENGE GRANTS

SEC. 404. Section 934 is amended to read as follows:

"CHALLENGE GRANTS

"SEC. 934. (a) In addition to the authority of the Secretary under section 932, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 932(a)(1)), not to exceed $40,000 each, in order to support projects to develop—

"(1) comprehensive plans for implementation of equity programs at every educational level;

"(2) innovative approaches to school-community partnerships;

"(3) new dissemination and replication strategies; and

"(4) other innovative approaches to achieving the purposes of this part.

"(b) For the purposes described in clauses (1) through (4) of subsection (a), the Secretary is authorized to make grants to public and private nonprofit agencies and to individuals.".

CRITERIA AND PRIORITIES

SEC. 405. Section 935 is amended—

(1) by inserting "separate" after "Secretary shall establish"; and

(2) by inserting "under sections 932(a)(1) and 932(a)(2)" after "priorities for awards".

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

SEC. 406. Section 936 is amended—

(1) by striking out "Office of Education" in subsection (a) and inserting in lieu thereof "Department of Education";

(2) by striking out paragraph (1) of such subsection and inserting in lieu thereof the following:

"(1) seventeen individuals, some of whom shall be students, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals, broadly representative of the general public and including (A) individuals who are experts in a wide range of issues of educational equity for women at all levels of education, including preschool, elementary and secondary education, higher education, vocational and adult education; (B) individuals who are representative of and expert in the educational needs of racial and ethnic minority women, older women, and disabled women; and (C) both women and men who have demonstrated commitment to and expertise in the purposes of this part;";

(3) by striking out "advise" and all that follows through "on matters" in subsection (c)(1) and inserting in lieu thereof "advise the Secretary and the Congress on matters";

(4) by inserting "selection of funding priorities and" before "allocation of any funds" in subsection (c)(2); and

(5) by striking out subsection (c)(3) and inserting in lieu thereof the following:

"(3) advise all Federal agencies which have education programs concerning those aspects of the programs which relate to the educational needs and opportunities of women;".

REPORT OF THE SECRETARY

SEC. 407. Section 937 is amended—

(1) by striking out the heading of such section and inserting in lieu thereof the following:

"REPORTS, EVALUATION, AND DISSEMINATION";

(2) by striking out ", 1980, 1982, and 1984" and inserting in lieu thereof "of each of the years 1985 through 1989";

(3) by striking out "shall evaluate" in the last sentence and inserting in lieu thereof "shall oversee the evaluation of";

(4) by striking out "include such evaluation" in such sentence and inserting in lieu thereof "report on such evaluation"; and

(5) by inserting "(a)" after "SEC. 937." and by adding at the end thereof the following new subsection:

"(b) The Office of Women's Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under this part.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. Section 938 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part there are authorized to be appropriated $50,000,000 for fiscal year 1985 and each of the four succeeding fiscal years.".

TITLE V—AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

SHORT TITLE; REFERENCE

SEC. 501. (a) This title may be cited as the "Indian Education Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

STANDARDS

SEC. 502. (a) Section 1121(b)(2) is amended by adding at the end thereof the following: "Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Federal Center for Disease Control, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.".

(b) The first sentence of section 1121(d) is amended by striking out everything after "ill-conceived" and inserting in lieu thereof a period and the following: "The tribal governing body or designated school board shall thereafter submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children.".

(c) Section 1121(e) is amended—

(1) by inserting "(1)" after "(e)";

(2) by striking out the second sentence thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Within two years of the initial contract for the provision of educational services under Indian Self-Determination and Education Assistance Act each such school shall (A) be in compliance with the standards prescribed under subsection (a), or (B) have obtained accreditation, or be a candidate for accreditation, with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found.

"(3) Within one year of the date of enactment of this paragraph, the Bureau shall, through contract with a national Indian organization, establish uniform fiscal control and fund accounting procedures for all contract schools which yield data results comparable to those used by Bureau schools.".

(d) Section 1121(f) is amended by adding at the end thereof the following: "Failure to implement or meet such standards shall not serve as the basis for taking any personnel action against any individual if (1) the failure is related to inadequate resources (as determined under sections 1128 and 1129 of this title), and (2) the Secretary has not submitted the information required by this subsection and has not requested sufficient funds to cover the cost (as determined under such sections) of meeting such standards at the school concerned.".

(e) Section 1121 is further amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g)(1) Except as specifically required by statute, no school operated by the Bureau of Indian Affairs on January 1, 1984, may be closed or the program curtailed unless done according to the requirements of this subsection, except that in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, these provisions shall not apply.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing or consolidation of Bureau schools in accordance with the requirements of this subsection.

"(3) Such standards and procedures shall require that, whenever closure or consolidation of a school is under consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, designated local school board, and parents will be notified as soon as such consideration or review begins and kept fully and currently informed with respect to such consideration or review. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) Prior to ordering any such school closing or consolidation, the Secretary shall insure that a study is made of each Indian child's educational and (where applicable) social needs and that adequate alternative services are guaranteed. Such a study shall include a description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative of the tribe involved, and the Director of the Bureau of Indian Affairs, Office of Indian Education Programs with regard to such child.

"(5) Prior to taking any action to close or consolidate any such school, the Secretary shall make a full report to Congress describing the plans made (including schedules and plans for follow-up studies on the students affected), and the study and consultations undertaken pursuant to paragraph (4) of this subsection. No action may be taken in furtherance of any such proposed school closing or consolidation (including any action which would prejudice the personnel or programs of such school) until the end of the academic year following the academic year in which such report is made.".

SCHOOL BOUNDARIES

SEC. 503. Section 1124 is amended to read as follows:

"SCHOOL BOUNDARIES

"SEC. 1124. (a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b) No attendance area shall be established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been given one year from the date of enactment of the Indian Education Amendments of 1984 to propose such boundaries. Such proposed boundaries shall be accepted unless the Secretary finds, after consultation with such body or board, that such boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the programs affected.

"(c) In any case where there is only one Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) In any case where more than one school operated by the Secretary is located on an Indian reservation, the attendance areas established under this section—

"(1) in the case of nonresidential programs, shall not overlap and shall, together, cover the entirety of such reservation;

"(2) shall be established after due consideration of relevant transportation costs;

"(3) shall, to the greatest extent possible, permit a student to continue his or her education at a single school; and

"(4) with respect to dormitory programs, may be established to cover a nonexclusive area, as required by reason of such factors as social or educational need or isolation, or both.

"(e) In establishing school attendance areas under this section, the Secretary shall, in the following order—

"(1) determine attendance areas for Bureau operated programs with respect to the entire geographic area where potential students reside, considering the factors in subsection (a) and the specific educational needs of the students to be served, taking into account the wishes of the tribal governing body and local school boards concerned;

"(2) coordinate such attendance areas with those determined by schools funded under contract with the Bureau;

"(3) preserve current or historical service patterns, to the greatest extent possible; and

"(4) coordinate such school attendance areas with the school attendance areas of public schools in the vicinity, but such public school attendance areas shall not be regarded as exclusive where historical service patterns and current social, educational, or geographic (including transportation) factors show that Indian students will benefit by Bureau programs, taking into account the wishes of the tribal governing body and local school boards concerned.

"(f) In no case shall the Secretary regard a public school attendance area as being exclusive if the Secretary determines, on the basis of past practices or reasonable evidence concerning future practices, that a local school district is unable or unwilling to provide full and equal service (as provided to all of its students for all activities) throughout the year or to provide programs that meet students' particular needs.

"(g) With respect to multitribal boarding schools located off reservation, the Secretary shall establish nonexclusive major attendance areas. The Secretary may also establish by regulation supplemental attendance criteria based on special programs or services which exceed the basic academic programs. The Secretary shall provide procedures for recognizing and respecting parental choice concerning the special educational or social needs for students residing outside such areas, to the extent consistent with the best interest of the student. In those instances where a tribe requests attendance for a student residing outside the major attendance areas, the Secretary shall honor such request.".

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 504. (a) Section 1126(a) is amended by adding at the end thereof the following: "The Director of the Office (whether permanent or acting) shall report directly and solely to the Assistant Secretary for Indian Affairs".

(b) Section 1126(b) is amended by striking the second sentence and inserting in lieu thereof the following: "All contract functions relating to education (including those pursuant to the Indian Self-Determination and Education Assistance Act) shall be supervised and directed by the Director of the Office.".

(c) Section 1126(b) is further amended by striking out "Nothing" in the last sentence and inserting in lieu thereof: "Subject to the provisions in subsection (c), nothing".

(d) Section 1126(c) is amended by striking out "and" at the end of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) provide all services and support functions for education programs—

"(A) with respect to procurement actions of $25,000 or less; and

"(B) with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.".

(e) Section 1126 is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Office shall be responsible for—

"(A) planning for school facilities to be constructed under the system required by section 1125(c); and

"(B) establishing a system for prioritizing projects and developing an annual plan for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds.

"(2) The Director of the Office shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau and contract schools; and

"(C) the allocation of appropriated funds from the Director of the Office directly to the agency superintendents for education, or to the area education program administrators in the case of multitribal boarding schools located off reservation.

The agency superintendents for education, or the area education program administrator in the case of multitribal boarding schools located off reservation, shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the agency superintendents for education and by the area education program administrators, except that no funds from this program may be expended or transferred by an agency superintendent for education or by an area education program administrator unless he is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The Director of the Office shall have control over all Bureau education facilities, including local Bureau housing constructed for the purpose of housing Bureau personnel at the school site.

"(4) The requirements of this subsection shall be implemented within 270 days following the date of enactment of the Indian Education Amendments of 1984.".

ALLOTMENT FORMULA

SEC. 505. (a) Section 1128(a)(2) is amended—

(1) by striking out subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (D); and

(3) by adding at the end thereof the following new subparagraphs:

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel;

"(H) special programs for gifted and talented students; and

"(I) costs associated with operating education and recreational programs on a 12-month basis.".

(b) Section 1128(c) is amended by inserting "(1)" after "(c)", redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following:

"(2) All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall, subject to appropriations, provide to all contract schools an amount for administrative and indirect costs which is at least equal to the amount which would be expended by the Secretary if such school were directly operated by the Secretary. The Secretary shall take such actions as are necessary to provide contract schools with the full amount as determined by this paragraph without reducing funds available under subsection (a) of this section.".

(c) Section 1128 is further amended by adding at the end thereof the following new subsection:

"(e) The Director of the Office shall establish a separate fund from which monetary awards and quality step increases for employees shall be paid. Such payments shall not affect school allotments under this section.".

UNIFORM DIRECT FUNDING

SEC. 506. (a) Section 1129(a) is amended—

(1) by striking out "section 1128," and all that follows in the second sentence and inserting in lieu thereof "section 1128.";

(2) by inserting "(1)" after "(a)" and adding at the end thereof the following:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by this section, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year. In order to effect a transition to the forward funding method of distribution described in the preceding sentence, there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations for such allotments, the first of which shall not be subject to the preceding sentence.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under this section of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under this section of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation governing procurement by Federal agencies, the supervisor of each school receiving funds under this section shall, subject to school board approval, have the au-

thority to expend no more than 10 percent of the funds allotted by this section to procure supplies and equipment, with or without competitive bidding.".

(b) Section 1129(c) is amended by inserting at the end thereof the following: "The Secretary shall institute a program for funding tribal divisions of education and the development of tribal codes of education.".

APPEALS FROM ACTIONS OF SCHOOL BOARDS

SEC. 507. (a) Section 1129(b) is amended by striking out the last sentence and inserting in lieu thereof the following: "The supervisor of the school may appeal any such action of the local school board to the superintendent for education of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the action of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.".

(b) Section 1131(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.".

MANAGEMENT INFORMATION SYSTEM

SEC. 508. Section 1132 is amended—

(1) by striking out "the Bureau," and inserting in lieu thereof "the Office,";

(2) by striking out "this Act" and inserting in lieu thereof "the Indian Education Amendments of 1984"; and

(3) by striking out "to all agency and area offices of the Bureau and".

AUDITS

SEC. 509. Section 1136 is amended by inserting "(a)" after "SEC. 1136." and by adding at the end thereof the following new subsection:

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of the Bureau, the Office, and each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.".

REGULATIONS

SEC. 510. Section 1138 is amended by adding at the end thereof the following: "Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.".

VOLUNTARY SERVICES

SEC. 511. Title XI of the Education Amendments of 1978 is further amended by adding after section 1139 the following new section:

"VOLUNTARY SERVICES

"SEC. 1140. Notwithstanding section 1342 of title 31, United States Code, an officer or employee of the Bureau or the Office may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau and contract schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.".

EMPLOYEE BENEFITS

SEC. 512. Title XI of the Education Amendments of 1978 is further amended by adding after section 1140 the following new sections:

"PRORATION OF PAY

"SEC. 1141. (a) Notwithstanding any other provision of law, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in section 1131(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 1131 of this title or title 5, United States Code.

"EXTRACURRICULAR ACTIVITIES

"SEC. 1142. (a) Notwithstanding any other provision of law, the Secretary shall provide a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) The amount of such stipends shall be determined at the area level.

"(c) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(d) This section applies to all Bureau employees, whether employed under section 1131 of this title or title 5, United States Code.

"HOUSING

"SEC. 1143. (a) The Secretary shall continue to apply rental rates for employee housing in accordance with all applicable laws and regulations. Proceeds from rental receipts shall be used for the improvement and repair of employee quarters.

"(b) Notwithstanding any other provision of law, the agency superintendent for education, or for boarding schools located off-reservation the area education program administrator, shall have the authority to waive up to 90 percent of the rental rate for educators on school-wide basis to aid the school in recruiting and retaining educators. Decisions on rent waivers will be made after consultation with the appropriate level school board and the employees. Such superintendent's or administrator's decision (as the case may be) on the need for this assistance in recruitment and retention is final and not reviewable.

"(c) During periods when schools are not in session and educators have been placed in non-pay status, all rents paid by those educators shall be waived.

"(d) For the purposes of this section the term 'educator' has the meaning contained in section 1131(n)(1) of this title. This section applies to those individuals employed under both the provisions of section 1131 of this title and title 5, United States Code.".

EXTENSIONS OF AUTHORIZATION OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 513. (a)(1) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(1)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(2) Section 303(b) of such Act is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by striking out all after "financial assistance" and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations;

"(B) are not local educational agencies; and

"(C) have not been local educational agencies for more than three years.

"(2) the requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California or Oklahoma.".

(3) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

(b)(1) Sections 422(c), 423(a), and 442(a) of the Indian Education Act (20 U.S.C. 3385a(c), 3385b(a), 1221g(a)) are each amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(2) Section 423(a) of such Act is amended—

(A) by striking out "not to exceed two hundred" in the first sentence;

(B) by inserting "psychology," after "medicine," in the second sentence; and

(C) by striking out the last sentence and inserting in lieu thereof the following: "The Commissioner may, if a fellowship is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.".

(c) Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

(d) Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

TITLE VI—AMENDMENTS TO THE ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL ACT OF 1980

GENERAL EXTENSION OF AUTHORIZATION

SEC. 601. (a) Section 5(a)(1)(A) of the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3604(a)(1)(A)) is amended by striking out the last sentence.

(b) Section 12(a)(1)(A) of such Act is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1989".

(c) Section 12(a)(1)(B) of such Act is amended by striking out "the fiscal year ending September 30, 1982" and inserting in lieu thereof "each of the fiscal years ending prior to October 1, 1989".

(d) Section 12(a)(2) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "the end of the fiscal year following the fiscal year for which appropriated".

(e)(1) Section 6(b)(1) of such Act is amended by striking out "except as otherwise provided under paragraph (5)".

(2) Section 6(c)(1) of such Act is amended by striking out ", within the two-year period beginning on the effective date of this Act".

TITLE VII—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Emergency Immigrant Education Act of 1984".

DEFINITIONS

SEC. 702. As used in this title—

(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 703. (a) There are authorized to be appropriated for fiscal year 1985 and each of the four succeeding fiscal years such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 704.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 704. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

SEC. 705. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under this title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this title, or payments by the State educational agency under this title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 706. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 for the purpose set forth in section 707.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least five hundred; or

(B) at least 3 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appro-

priation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 707. (a) Payments made under this title to any State may be used in accordance with applications approved under section 708 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 706(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 708. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 707;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 706(b)(1), adjusted to reflect any reductions imposed pursuant to section 706(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 709. (a) Except as provided in section 703(b), the Secretary shall pay to each State educational agency having an application approved under section 708 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 708(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

TITLE VIII—GENERAL ADMINISTRATION AND ORGANIZATION

AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 801. (a) Section 204 of the Department of Education Organization Act (20 U.S.C. 3418) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 and by subpart 5 of part A of title IV of the Higher Education Act of 1965.".

(b) Section 204 of the Department of Education Organization Act is further amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Equity Training and Technical Assistance, which shall be responsible for the administration of programs established by sections 403, 404, 405, and 406 of the Civil Rights Act of 1964.".

(c) Section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Educational Research and Improvement and directly under the supervision of the Assistant Secretary for Educational Research and Improvement, an Office of Women's Educational Equity, which shall be responsible for the administration of programs established by part C of title IX of the Elementary and Secondary Education Act of 1965.".

(d) For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education, the Office of Equity Training and Technical Assistance, and the Office of Women's Educational Equity shall be considered to be organizational entities established by such Act and shall not be subject to the reorganizational authority of the Secretary of Education under that section or any other provision of law.

EXTENSION OF AUTHORIZATIONS UNDER THE GENERAL EDUCATION PROVISIONS ACT

SEC. 802. (a) Section 405(k)(7) of the General Education Provisions Act (20 U.S.C. 1221e(k)(7)) is amended by striking out "$10,500,000 for each fiscal year ending prior to October 1, 1983" and inserting in lieu thereof "$11,000,000 for fiscal year 1985, and $10,800,000 for each succeeding fiscal year ending prior to October 1, 1989".

(b) Section 406(g) of such Act (20 U.S.C. 1221-1(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

NATIONAL INSTITUTE OF EDUCATION

SEC. 803. (a) Section 405(k)(1) of the General Education Provisions Act (20 U.S.C. 1221e(k)(1)) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by inserting after such subparagraph the following:

"(E) with respect to each State which voluntarily participates in accordance with paragraph (5), provide for a statement of information collected by the National Assessment for each such State.".

(b) Section 405(k)(3) of such Act is amended by adding at the end thereof the following: "The appropriateness of all cognitive, background, and attitude items developed as part of the National Assessment shall be the responsibility of the Assessment Policy Committee. Such items shall not be subject to review or approval by either the Department of Education or the Office of Management and Budget.".

COLLECTION OF DATA

SEC. 804. (a) Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is further amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

(b) Section 406 of such Act (20 U.S.C. 1221-1) is amended by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

ANNUAL EVALUATION REPORTS

SEC. 805. Section 417(a) of the General Education Provisions Act (20 U.S.C. 1226c(a)) is amended by striking out "November 1" and inserting in lieu thereof "December 31".

PROTECTION OF PUPIL RIGHTS

SEC. 806. Section 439 of the General Education Provisions Act (20 U.S.C. 1232h) is amended by adding at the end thereof the following new subsection:

"(c) The regulations in effect on January 1, 1984, for handling complaints that arise under this section, and those procedures in effect on that date that are used to implement other provisions of this section, shall remain in force and shall not be amended or revised.".

CONFLICT-OF-INTEREST

SEC. 807. (a) Section 435(b) of the General Education Provisions Act (20 U.S.C. 1232d(b)) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(8) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

(b) Section 436(b) of the General Education Provisions Act (20 U.S.C. 1232e(b)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

REMOVAL OF ADVISORY COUNCIL MEMBERS

SEC. 808. Section 443 of the General Education Provisions Act (20 U.S.C. 1233b) is amended by adding at the end thereof the following new subsection:

"(c) The members of any advisory council whose terms of office are established by this section or by any other applicable statute shall not be removed from membership on such council except for cause. The President shall communicate the reasons for any such removal to both Houses of the Congress.".

COMPLIANCE PROCEDURES

SEC. 809. (a) Section 452(a) of the General Education Provisions Act (20 U.S.C. 1234b(a)) is amended by adding at the end thereof the following: "If no fraud is involved, the Secretary may seek recovery of funds paid to a State or local educational agency only in those final audit determinations pending on or made after the date of enactment of this sentence in which the disputed expenditures are not allowable under current law and such expenditures are not in substantial compliance with the law.".

(b) Section 452(b) of such Act is amended by adding at the end thereof the following: "In all final audit determinations before the Board pending on or made after the date of enactment of this sentence, the burden of proof shall be on the Secretary, and discovery shall be available to all parties under procedures provided under Rules 26 through and including 37 of the Federal Rules of Civil Procedures.".

(c) Section 452(f) of such Act is amended to read as follows:

"(f)(1) Notwithstanding any other provision of law, the Secretary may, subject to the notice requirements of paragraph (3)—

"(A) compromise any claim established under this section for which the initial determination was found to be not in excess of $50,000, where the Secretary determines that (i) the collection of any or all of the amount thereof would not be practical or in the public interest, and (ii) the practice which resulted in the claim has been corrected and will not recur; or

"(B) whenever a State or local educational agency is subject to a final audit determination, enter into a compliance agreement of not more than three years duration with such agency in satisfaction of the final audit determination, whereby additional monitoring, additional reporting, or in kind contributions will provide program enhancement and will ensure program compliance.

"(2) Whenever a disputed expenditure of a subgrantee is considered under paragraph (1), the subgrantee shall be a party to any such action of the Secretary.

"(3) Not less than forty-five days prior to entering into a compromise, or agreement pursuant to paragraph (1), the Commissioner shall publish in the Federal Register a notice of his intention to do so. Such notice shall provide interested persons an opportunity to comment on any proposed action under this subsection through the submission of written data, view, or arguments.".

(d) Section 456(a) of such Act (20 U.S.C. 1234e(a)) is amended—

(1) by striking out "program, he may consider" and inserting in lieu thereof "program and if no fraud is involved, he shall consider";

(2) by striking out "may arrange" and inserting in lieu thereof "shall arrange"; and

(3) by striking out "not to exceed".

EFFECTIVE DATE AMENDMENT

SEC. 810. Section 25(b) of Public Law 98-211 (97 Stat. 1419) is amended by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984".

EDUCATION AMENDMENTS OF 1978: ASSISTANCE TO TERRITORIES

SEC. 811. Sections 1524 and 1525 of the Education Amendments of 1978 are each amended by striking out "1979" and inserting in lieu thereof "1985".

CONTRACT AUTHORITY

SEC. 812. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

SEC. 813. This Act and the amendments made by this Act shall take effect on the date of enactment of this Act or October 1, 1984, whichever occurs later.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Page 93, beginning on line 14, strike out all of section 809 through page 95, line 18, and insert in lieu thereof the following:

COMPLIANCE PROCEDURES

SEC. 809. (a)(1) Subsection (a) of section 452 of the General Education Provisions Act (20 U.S.C. 1234a) is amended by inserting at the end thereof the following new sentence: "If no fraud is involved, the Secretary may seek recovery of funds paid to a State or local educational agency in those final audit determinations pending on or made after the date of enactment of this sentence only if the disputed expenditures do not comply substantially with the law.".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A State or a local educational agency that has received written notice of a final audit determination and that desires to have such determination reviewed by the Board shall submit to the Board an application for review not later than thirty days after receipt of notification of the final audit determination. The application for review shall be in the form and contain the information specified by the Board.

"(2) The Board shall return to the Secretary for such action as he deems appropriate (A) any final audit determination which, in the judgment of the Board, contains insufficient detail to identify with particularity those expenditures which are not allowable, and (B) any such audit determination for which the Secretary has not established a prima facie case by introduction of evidence in support of the final audit determination. Failure by a State or local educational agency to maintain adequate records pertaining to expenditures that the agency is required to maintain, or failure by a State or local education agency to allow the Secretary access to such records, shall constitute a prima facie case.

"(3) Unless the Board returns a final audit determination to the Secretary pursuant to clause (A) or (B) of paragraph (2), the burden of going forward shall be upon the State or local educational agency. The ultimate burden of proof to sustain the case by a preponderance of the evidence shall be upon the Secretary.

"(4) In all final audit determinations pending before the Board on, or brought before the Board after, the date of enactment of this paragraph, discovery shall be available to all parties in accordance with the procedures provided under Rules 26, 28 through 34, and 36 of the Rules of Civil Procedure of the United States district courts. The period for the conduct of discovery shall not exceed six months (commencing on the date on which a panel of Board members is designated to conduct the review), except that such period may be extended for an additional three months if the Board, in its discretion, determines that exceptional circumstances warrant such an extension. At the request of any party, the Board may establish a specific schedule for the conduct of discovery (subject to the limitations contained in the preceding sentence).".

(3) Subsection (f) of such section is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Whenever a disputed expenditure of a subgrantee is considered under paragraph (1), the subgrantee shall be a party to any such action of the Secretary.".

(4) In any final audit determination pending before the Secretary of Education or the Education Appeals Board on or made after the date of enactment of this Act pursuant to section 452 of the General Education Provisions Act (20 U.S.C. 1234b), the provisions of sections 122(a)(1) and 132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2732(a)(1), 2752) shall be considered to apply with respect to expenditures made before October 1, 1978, in the same manner that such provisions apply to expenditures made on or after that date, without regard to the provisions of subsections (b)(2), (e), and (f) of section 131 of such Act (20 U.S.C. 2751) requiring that certain determinations be made in advance.

(b) Section 453 of such Act (20 U.S.C. 1234b) is amended by adding at the end thereof the following new subsection:

"(e)(1) With respect to chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.) the Secretary may suspend the initiation or continuation of his withholding action under this section during any period there is in effect a compliance agreement with the State or local educational agency under this subsection. Such an agreement shall be deemed to be in effect for the period specified therein, except that if the State or local educational agency fails to comply with the terms agreed to, such an agreement shall no longer be in effect and such withholding under this section shall be resumed. In implementing this section, the Secretary shall take into account any partial compliance by such agency under such agreement.

"(2) For the purpose of this subsection, the term 'compliance agreement', means an agreement which—

"(A) sets forth the terms and conditions to which the State or local educational agency has agreed in order to comply with the requirements of the applicable statute and regulations promulgated thereunder;

"(B) addresses all the matters that formed the basis for the initiation of the withholding action by the Secretary; and

"(C) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(3) In any case in which a State or local educational agency desires to enter into a compliance agreement, but alleges that full compliance with the requirements of the applicable statute or regulations promulgated thereunder is genuinely not feasible until a later date, the Secretary shall hold a hearing at which that agency shall have the burden of demonstrating that immediate compliance is not feasible. The Secretary shall provide an opportunity for parents, their representatives, and other interested parties to participate in that hearing. If the Secretary determines, on the basis of all the evidence presented, that immediate compliance is genuinely not feasible, the Secretary shall make written findings to that effect before entering into such a compliance agreement with that State or local educational agency.

"(4) A compliance agreement under this subsection shall not be exempt from disclosure under any provision of section 552 of title 5, United States Code. Within fifteen days after the execution of any compliance agreement under this subsection, the Secretary shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.".

(c) Section 456(a) of such Act (20 U.S.C. 1234e(a)) is amended—

(1) by striking out "program, he may consider" and inserting in lieu thereof "program and if no fraud is involved, he shall consider";

(2) by striking out "may arrange" and inserting in lieu thereof "shall arrange"; and

(3) by striking out "not to exceed 75 percent" and inserting in lieu thereof "at least 75 percent".

(d) Such Act is further amended by adding at the end thereof the following new section:

"STATE COMPLIANCE AGREEMENTS

"SEC. 457. (a) In addition to other enforcement methods that may be available to States, a State educational agency may enter into a compliance agreement with a local educational agency if the State finds that the local educational agency has violated assurances contained in such agency's application or the requirements of the applicable statute or regulation under which a grant was accepted from the Secretary. Such an agreement shall be deemed to be in effect for the period specified therein.

"(b) For purposes of this section, the term 'compliance agreement' means an agreement which—

"(1) sets forth the terms and conditions to which the local educational agency has agreed in order to comply with the assurances contained in such agency's application or the requirements of the applicable statute or regulation promulgated thereunder, and with the applicable rules, regulations, procedures, guidelines, criteria or other requirements adopted by the State educational agency; and

"(2) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(c) Within fifteen days after the execution of any compliance agreement, the State educational agency shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.".

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I rise today, with the support of my distinguished colleague from Pennsylvania, Mr. GOODLING, to offer a substitute amendment for section 809 of H.R. 11, which deals with the auditing process for Federal education programs.

State and local education agencies have complained for some time that the auditing process for Federal programs is stacked in favor of sustaining the initial judgments of the Department of Education's auditors. They also feel that the process frequently produces results focusing on narrow technicalities rather than the goals of the programs, that it ignores congressional intent and that it is burdensome on the State and local education agencies. The Education and Labor Committee has heard of these problems frequently in hearings over the past several years, but our admonitions to the Department have been to no avail.

The difficulties in the auditing process were succinctly stated in November 1980 hearings before the Subcommittee on Elementary, Secondary, and Vocational Education by Dr. W.N. Dirby, executive assistant to the Commissioner of Education in Texas:

> . . . we (the state educational agencies) are guilty until proven innocent and denied the very tools necessary to prove our innocence . . . We want the Congress to send a message to the Department of Education to get their act together. . . . The Congress already has ample provisions in Public Law 95-561 for the Department to work with States in arriving at mutually satisfactory resolutions of problems. But the Department has chosen a rigid legalistic approach that denies true justice and early resolution of disagreements.

Over an extended period of time the State and local educational agencies produced a package of proposed legislative changes to remedy the problems they preceived in the auditing process. This spring, representatives from several of those agencies approached me with their package of audit amendments and urged that a hearing be held on the provisions and that they be included in H.R. 11.

We set up a hearing on this subject for April 10, 1984, during which four witnesses from the States of Illinois, Michigan, and Pennsylvania testified. They outlined their problems with the current auditing process and supported the proposed package of legislative changes.

In one case, which was cited at the hearing, in East St. Louis, IL, two schools burned down in 1 year and the children from those schools were placed in other schools as an emergency measure. As a result, the teacher-pupil ratio was increased sufficiently to violate the comparability requirements of title I of the Elementary and Secondary Education Act of 1965. The programs were maintained and the services were delivered, but the Department of Education demanded that $500,000 be returned to the Federal Government. This amount represented all of the title I moneys received by the school district, although the actual amount covered in the lack of comparability was only $18,000. East St. Louis is one of the poorest areas in the country. The schools are run with over 90 percent State and Federal money. It was certainly never the intention of the Congress in enacting title I legislation that this school district be denied funds or be required to repay funds because of unavoidable emergencies.

Based on the information presented in the hearing, and the previous prob-

lems with the audit process, on April 25, when the Subcommittee on Elementary, Secondary, and Vocational Education marked up H.R. 11, the audit process changes were accepted without dissent or extended discussion as an amendment offered by me with the support of Congressman GOODLING.

However, section 809 in its current form simply goes too far. Shortly after it was added to the bill, representatives of civil rights groups approached us with serious concerns that the mechanism for enforcing compliance with existing laws and regulations would be severely undermined. The Secretary of Education, on the behalf of the Department's Inspector General, also contacted the committee expressing similar concerns. As a result, we held a series of meetings over the past 2½ months to draft more precise legislative language that will continue to provide relief to educational agencies but at the same time will ensure that those children targeted by the Congress to receive services from Federal programs will, in fact, receive those benefits.

Our substitute amendment contains the following provisions to satisfy the concerns of the civil rights groups as well as clarifications on several other points in section 809 which more precisely specify the intent of our amendment.

H.R. 11 as reported by the Committee on Education and Labor on May 2, 1984, provides that recovery of funds by the Secretary of Education will be sought after a final audit determination only in those cases "in which the disputed expenditures are not allowable under current law." The proposed substitute deletes the current law standard. Both the civil rights groups and the Department of Education Inspector General took strong exception to this provision. Such a standard would violate the basic principle that grantees should be held accountable for the expenditures of funds under the law as it was when they received the funds. A current law standard would treat differently grantees who received funds at the same time. Depending on when they were audited, grantees would be held to different program requirements based upon the state of the law when they were audited. A grant might be made on the basis of one set of standards, an audit conducted on a second, an administrative appeal heard on a third, and judicial review sought on a fourth.

H.R. 11 also amends section 452 of the General Education Provisions Act [GEPA] to require that recovery of funds by the Secretary will be sought after a final audit determination only in those cases "in which the disputed expenditures * * * are not in substantial compliance with the law." The proposed substitute changes the wording slightly to provide that recovery of funds will be sought only in those cases "in which the disputed expenditures do not comply substantially with the law." This change conforms the legislative language of the amendment to that used in other sections of GEPA. It is our intention that this provision apply to all final audit determinations currently pending before the Secretary or the Education Appeals Board and to all future final audit determinations made after the date of enactment of H.R. 11.

A crucial dimension to the "comply substantially" issue came to light during our negotiations. The Sixth Circuit Court of Appeals, in the case of Kentucky against Secretary of Education, decided that Kentucky need not repay allegedly misspent title I funds because: First, the statutory and regulatory requirements were ambiguous; second, the State was granted discretion in developing and administering a title I program; third, there was no evidence that the State acted in bad faith; and, fourth, and the State's program complied with a reasonable interpretation of the law. In sum, the court found that Kentucky had not failed to comply substantially with the law. The Department of Education has requested and been granted a review of the case by the Supreme Court.

While the comply substantially standard is reasonable in general, it is not the intention of the Congress to affect the pending case before the Supreme Court. Rather the Congress remains neutral on the merits of the Kentucky case, leaving it to the Court to decide.

The concept of comply substantially becomes particularly complex in terms of the supplement not supplant requirements of chapter 1 of the Education Consolidation and Improvement Act of 1981. In order to comply totally with the supplement not supplant provision, a program would have to be provided after school because any program provided during the school day is technically supplanting instruction that would have otherwise been paid for from State and local funds. Certainly, the Congress never intended such a result.

The following example for chapter 1, issued by the Department of Education in June 1983, explicate strategies for providing instructional services for chapter 1 program participants that, from Congress' point of view, constitutes substantial, although less than full, compliance with the supplement not supplant provisions:

EXAMPLE 1

A local educational agency wishes to provide a special program of remedial instruction using a teacher aide for ten high school juniors assigned to one business math class, and for five high school sophomores in a separate compensatory math class which meets at the same time. The teacher aide spends half of each class period in each class, working individually with Chapter 1 participants to provide tutorial assistance on an as-needed basis. Such a project satisfies the supplement not supplant requirement if the classroom teacher, who would be responsible for providing instruction to the participating children in each case, continues to be responsible for tasks such as lesson planning and basic instruction, and meets with the teacher aide on a regular basis to ensure that the Chapter 1 participants are receiving a program of instruction which meets their individual needs.

EXAMPLE 2

Fifty third graders participate in a Chapter 1 project designed to help them improve their reading skills. All the children receive instruction in reading from their classroom teacher as part of their regular program of instruction. Under the Chapter 1 project, a special resource center is staffed by personnel paid with Chapter 1 funds; Chapter 1 participants are pulled out of class for one-half hour, five days per week to receive special assistance at the resource center. The time spent in the resource center totals 2.5 hours, or 12.5 percent of the 20 hours of instructional time the 50 participating children spend with their classroom teacher as part of their regular program of instruction. This project does not violate the supplement, not supplant requirement so long as the classroom teacher whose instruction the Chapter 1 project is designed to supplement continues to remain responsible for the program of instruction which is provided to the participating children and performs regular planning, instructional, and evaluative duties associated with those children. The classroom teacher must also work closely with the resource center personnel to ensure that a coordinated program of instruction is provided so as to meet the special needs of Chapter 1 participants.

EXAMPLE 3

It is possible for a replacement project to meet the supplement not supplant requirements under substantial compliance. A replacement project is one in which Chapter 1 services are provided to participating children in a different classroom setting or at a different time than would be the case if these children were not participating in the Chapter 1 project. The Chapter 1 project must also provide services which replace all or part of the course of instruction regularly provided to Chapter 1 participants with a distinct, self-contained Chapter 1 program which is particularly designed to meet participants' special education needs.

In order for such a project to meet the supplement not supplant requirement the agency must allocate to the Chapter 1 project the full-time equivalent number of non-Chapter 1 staff that—in the absence of the Chapter 1 service—would have been used to provide the non-Chapter 1 funded instructional service that is replaced with the Chapter 1 funded service or the agency can allocate to the Chapter 1 project an amount of non-Chapter 1 funds required to provide the number of non-Chapter 1 funded staff referred to above.

The proposed substitute further provides that section 122(a)(1) of title I of the Elementary and Secondary Education Act be applied retroactively to all audit reviews made or pending on the date of enactment of this amendment. Section 122(a)(1), enacted in 1978, allows local educational agencies to

designate any school attendance area in which "25 per centum of the children are from low-income families as an eligible school attendance area" if certain maintenance of effort requirements are met. In enacting this provision Congress was seeking to clarify that if an area were significantly low income, as demonstrated by 25 percent low income families, it would be allowed to be considered an eligible attendance area.

Similarly, our amendment provides that, for audit purposes, section 132 of title I be applied retroactively. This section, also enacted in 1978, provides an exemption from the requirement that Federal funds must supplement not supplant State and local funding. If the combination of State, local, and Federal funds in an area is sufficient to fund programs for educationally deprived children at the full level authorized, the local education agency may use any additional State and local funds for special programs and projects for educationally deprived children outside of the designated project area.

Applying sections 122(a)(1) and 132 retroactively to title I expenditures made prior to 1978 cures two of the most important problems that the current law standard proposed by the States was intended to address. In both cases, the theory justifying retroactivity is that in 1978 Congress was clarifying what it had assumed policy was prior to 1978. Therefore, the amendments should apply to expenditures made prior to 1978.

H.R. 11 requires that in appeals of final audit determinations to the Education Appeals Board the burden of proof shall be on the Secretary and that the Secretary must establish a prima facie case in issuing a final audit determination letter. By a prima facie case we mean that the Secretary must establish by a preponderance of the evidence that there is probable cause to believe that the disputed expenditure is not allowable. Additionally, the proposed amendment states that failure of the State or local educational agency to maintain adequate records or failure to allow the Secretary access to its records constitutes a prima facie case for the Secretary.

The proposed substitute spells out shifts in the burden of proof in a step-by-step process. While the proposed language regarding the appeals board process may seem unusually prescriptive, such specification is necessary because of the undisciplined manner in which appeals have been heard in the past, and the fact that the burden of proof has always rested on the States although their position is analogous to that of a defendant in civil proceedings.

Section 809 of H.R. 11 also provides that in appeals of final audit determination to the Education Appeals Board "discovery shall be available to all parties under procedures provided under rules 26 through and including 37 of the Federal Rules of Civil Procedures." During our discussions on the amendment, it became clear that some of the discovery rules cited were irrelevant to education audits. Our amendment specifies more precisely which rules of discovery should be available. It also seeks to prevent unnecessary delays by providing that: "The period for the conduct of discovery shall not exceed 6 months—commencing on the date on which a panel of Board members is designated to conduct the review—except that such period may be exended for an additional 3 months if the Board, in its discretion, determines that exceptional circumstances warrant such an extension." Finally, the substitute allows the Board, at the request of any party, to establish a specific schedule for the conduct of discovery, subject to the time limitations previously specified.

In the case of a current and ongoing violation of the terms of an educational program, the Secretary is authorized by current law to withhold funds from the program. The proposed substitute provides that with respect to chapter 1, the Secretary may enter into a compliance agreement with the offending State or local educational agency in lieu of withholding funds. While this issue is not addressed in H.R. 11, all of the parties involved in our negotiations felt that this was a useful addition to GEPA because it gives the Secretary a positive alternative to withholding and because withholding is such a severe remedy that it is almost never used.

Both H.R 11 and the proposed amendment provide that the Secretary "shall" repay funds recovered following a final audit determination to the State or local educational agency if the agency submits a plan to spend the funds in accordance with the program requirements. However, current law which, was not changed by section 809, provides that the payback may not "exceed 75 percent" of the funds recovered. The proposed substitute provides that the Secretary shall repay "at least 75 percent" of these funds. The payback of 75 percent or more is contingent upon the Secretary's satisfaction with the State or local educational agency's plan. Specifically, the Secretary must, under the mandates of section 456 of GEPA, determine that:

(1) The practices or procedures of the State or local agency that resulted in the audit determination have been corrected, and that the State or the local agency is in all other respects in compliance with the requirement of that program;

(2) The State or local agency has submitted to the Secretary a plan for the use of those funds pursuant to the requirements of that program and, to the extent possible, for the benefit of the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) The use of those funds in accordance with that plan would serve to achieve the purposes of the program under which the funds were originally granted.

. . . Any payments by the Secretary under this section shall be subject to such other conditions as the Secretary deems necessary to accomplish the purposes of the affected programs, including—

(1) The submission of periodic reports on the use of funds provided under this section; and

(2) Consultation by the State or local agency with parents or representatives of the population that will benefit from the payments.

The amendment we are offering also allows the States to enter into compliance agreements with local educational agencies found to be misusing Federal program funds. This tool for ensuring program compliance was contained in title I legislation, but was repealed by the 1981 Omnibus Budget Reconciliation Act. It is a useful mechanism which allows States to stop program abuses and thereby prevent auditing problems. H.R. 11 did not address this provision.

Finally, H.R. 11 provides that in lieu of repayment of misused funds following a final audit determination, the Secretary may enter into a compliance agreement with the offending State or local educational agency to ensure program compliance. Our proposed substitute deletes this provision. A compliance agreement is not relevant as a cure for a misuse of funds which occurred in the past and which was discovered through an audit. The requirements of repayment of misused funds are the only teeth in the auditing process. This provision, as it currently exists in section 809, would render largely meaningless the entire process of ensuring program compliance through audits.

We urge our colleagues to support this amendment and once and for all end the serious problems that have plagued the audit process over the past several years. This is not a partisan amendment, nor a partisan problem. The problem has existed for many years under administrations of both parties.

This solution is long overdue and deserves our attention and your support.

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

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would like to compliment the gentleman from Michigan [Mr. FORD] and his staff for the fine job they have done over the past few months to perfect and improve this complicated audit procedure. I am proud to have played some role in this improvement. As my colleague has stated, this amendment achieves a balance be-

tween needed relief for State and local education agencies and the concern presented by the Secretary of Education and various civil rights groups.

I would hope we would accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KILDEE

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

The Clerk read as follows:

Amendment offered by Mr. KILDEE: Page 75, strike out lines 5 through 23 and insert in lieu thereof the following:

SEC. 513. (a)(1) Section 302(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa(b)) is amended by striking out "entitled to" and inserting in lieu thereof "eligible to receive".

(2) Section 303(a)(1) of such Act is amended by striking out "For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to October 1, 1983," and inserting in lieu thereof "For any fiscal year ending prior to October 1, 1989,".

(3) Section 303(a)(2)(A) of such Act is amended to read as follows:

"(2)(A) From the sums appropriated under section 307(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this title an amount which bears the same ratio to such sums as the product of (i) the number of eligible Indian children (as determined under paragraph (1)), multiplied by (ii) the average per pupil expenditure per agency (as determined under subparagraph (C)), bears to the sum of such products for all such local educational agencies.".

(4) Section 303(a)(2)(B) of such Act is amended by striking out "entitled to receive" and inserting in lieu thereof "eligible to receive".

(5) Section 303 of such Act is further amended—

(A) by inserting "(1)" after "(b)" in subsection (b);

(B) by striking out "on the basis of entitlements computed" each place it appears in subsections (b) and (c); and

(C) by striking out all after "financial assistance" in subsection (b) and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations; and

"(B)(i) are not local educational agencies; or

"(ii) have not been local educational agencies for more than three years.

"(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California or Oklahoma.".

(6) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

(7) Section 307 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS

"SEC. 307. (a) For the purpose of making payments under this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years ending prior to October 1, 1989.

"(b) The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this title, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.".

(8) Such Act is further amended by striking out "commissioner" each place it appears and inserting in lieu thereof "Secretary.".

Mr. KILDEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, I am offering this amendment to the Indian Education Act to remedy a situation which has developed around the projected cost level for this program. When the Congressional Budget Office gave its cost estimate of this program for the committee's report on H.R. 11, it gave a figure of over $1 billion for each of the next 5 years. The Congressional Budget Office arrived at this estimate by assuming full funding of the statutory authorization, which is phrased in terms of number of students times the average per pupil expenditure for the State involved. As those of us who work with this program, the Indian education in general know, this figure has no relationship at all to the actual state of the funding for this program. Funding for this program has never exceeded $81.68 million, in fiscal year 1980, and for the current fiscal year, it stands at $68.78 million. In other words, the funding for this program has never equaled 10 percent of its authority and there is no reason to believe that this state of affairs will change in the near future. The language of the authorization has only served to set out a basis for proration of the funds appropriated.

However, regardless of these facts, a question has arisen surrounding this Congressional Budget Office projection. For purposes not related to the merits of the program, the authorization for this program has been challenged as not "responsible", and as a "cruel hoax on our Indian population." This attack has caused unnecessary controversy. It has caused an otherwise blameless and noteworthy program to be challenged. In fact, it has placed it in some jeopardy.

Such debate is counterproductive. We need to stop wasting our time debating philosophical points or "what ifs" and move ahead with the programs needed to provide education services to Indian students. Indian people have not been misled by either false expectations or false interest expressed on their behalf. They know the true state of affairs and they want the program reauthorized and protected. To this end, I offer this amendment which will change the authorization to "such sums as are necessary." According to the Congressional Budget Office review of this proposal, this will reduce the Congressional Budget Office cost estimate to about $100 million. I want to be sure that it is understood that this amendment has no practical effect on the level of funding for this program. It will still be up to the annual appropriations process to determine the amount of money available for title IV. Also, this amendment carries with it no implications with respect to past or future patterns. It is offered solely to insulate this program from needless controversy and to move this program forward.

I have shared and discussed this amendment with a number of Indian organizations and representatives and they have agreed with the concerns expressed and the remedy which I am proposing. I have also shared and discussed the amendment with the gentleman from Pennsylvania and he has agreed to support it.

I urge its adoption.

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

Mr. KILDEE. I yield to the gentleman.

Mr. GOODLING. First of all, I would like to congratulate the gentleman from Michigan for his fiscal responsibility. He has now whacked $1 billion off, which I think got there primarily because there was some confusion as to how you arrived at the figure.

But I am correct in saying that you certainly have not hurt the program, have you, because I believe you have increased the budget over this year's spending by $80 million?

Mr. KILDEE. I think the gentleman knows that I would not hurt this program which is very near and dear to me. I think you and I both agree, and your voting record has always supported this, that we do have both moral, legal, and treaty obligations to the Indians of this country.

This amendment really clarifies the intent and clarifies the record of appropriations for this bill.

□ 1810

So, while technically it does remove the $1 billion which the Congressional Budget Office gave as the cost estimate for this, never has it ever approached in expenditure that figure. As a matter of fact, the largest amount ever spent for the Indian education in general has been $81.68 million in 1980, and in the current fiscal year it is $68.78 million.

Mr. GOODLING. So you are going to spend $30 million more.

Mr. KILDEE. I would hope that maybe we could get $100 million out of that, which would be an increase, but we are, in effect, lowering the authorization from the $1 billion down to "such sums."

Mr. GOODLING. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ERLENBORN

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

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On page 88, beginning on line 3, strike out all of section 801 through page 89, line 18, and redesignate the succeeding sections accordingly.

Mr. ERLENBORN. Mr. Chairman, I rise to offer this amendment to strike section 801 of the bill. Section 801 reverses the reorganization of the Department of Education effected by Secretary Bell in August 1983.

This action not only undoes the lawful action of the Secretary of Education, but it ties the hands of any future Secretary. No matter how well intended the motives may have been, this does not excuse bad law, and I would like to address the philosophy of governmental reorganization just for a moment.

I have served on the Committee on Government Operations the whole of the 20 years that I have been in Congress, and most all of them, practically 19½ of those years, I have served on the subcommittee that has jurisdiction over the executive branch reorganization. I have, of course, studied over the course of the years in that committee the Hoover Commission report and other reports of various commissions over the course of many decades that gave the philosophy of government organization.

What we should do, and traditionally have done in the Congress, is to authorize a department or agency to vest the Secretary of that department or the head of the agency with the authority to organize the department and reorganize the department from time to time to best carry out the functions that are delegated to the department or agency.

It is considered, and I think for good reason, a bad way to organize government for us to specify legislatively how each of these departments and agencies are to be organized, down to the detail of how many sub-Cabinet officers, and what the jurisdiction of the sub-Cabinet officers might be. We do designate the number. We do have to have control of that. But the jurisdiction of the various sub-Cabinet officers is rightly left to the head of the agency or department.

What this amendment in the bill does is to reverse the exercise, the lawful exercise, by Secretary Bell of this authority to organize as he sees best to carry out the functions of his department, to specify in permanent law the organization with the Department of Education. I think that is bad policy, and I hope the amendment will be adopted.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman is attempting to strike the section that I put in the bill in the committee, and we debated this in the subcommittee and in the full committee. The gentleman took the position that he has a duty to protect the existing bureaucracy over there from meddling by the Congress.

Very frankly, it is our duty to prevent them from changing the priorities that we establish by legislation, by simply reorganizing in a different way. If this was simply a minor inconvenience to somebody over there, I would not bother, but this is an argument that did not start with the Reagan administration. It is an argument that we have had with preceding administrations about the failure of some bureaucrats to be able to understand the real nature of specific programs.

For example, the migrant education program is, in the theory of some people, an elementary and secondary compensatory program so it really ought to be under the office administering the chapter 1 compensatory program.

In any event, the gentleman knows this because he was on the committee that wrote the legislation, when the Department of Education was created. At that time a number of us who were concerned about this pattern that we had had in the past of tinkering each time there was a change in secretaries or commissioners insisted as a condition to supporting that reorganization bill for the creation of the Department that we have these three areas of responsibility maintain some identity that would keep them from being submerged and become secondary in the minds of the bureaucracy over there. We did not want them to get lost and fall through the cracks. The three are migrant education, women's equity, and civil rights.

All three of those have been, by just drawing new boxes on a chart, changed from the position they had, which had them reporting to an assistant secretary, to becoming subordinate pieces of a much larger shop. They have been reduced in size and, indeed, they have been buried in the bureaucracy. There is very little confidence by the people who are contacting the Department for reactions in those three areas, that they are contacting the right people or that they are contacting people who are indeed spending very much of their time concerned with the importance of these programs.

So it is not just merely a matter of quibbling with the Department on how they ought to organize themselves; it is the fact that, by what they call a reorganization and streamlining, they take areas like civil rights that we consider important and priority items for them to be working on and bury them in the backroom. This is designed to return to where we were prior to the reorganization last year. This is not aimed at a particular administration, and it is not unusual.

□ 1820

The gentleman says it is not good policy for us to legislate positions. Well, I want to suggest that I am the chairman of the Post Office and Civil Service Committee and every committee in this House is legislating new positions and new titles for me all the time, and no matter how hard my staff tries to keep track of it, everybody has a new idea. Somebody is doing something in the Defense Department and another committee is doing something in Interior and I have got to pick up the mess over there in the Committee on Post Office and Civil Service afterward and figure out how to meet all the requirements. Every piece of legislation that comes through here that means anything puts somebody in charge and says where they are going to be in the bureaucracy and then we have to unscramble it later.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

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

Mr. FORD of Michigan. In the old days, we used to have the help of H.R. Gross, the great gentleman from Iowa, who you will recall used to get on the floor when bills were going through and call your attention to the fact that we had something called a limit on supergrades and every committee kept giving us more supergrades all the time. Then we have to find some way to take them away from somebody else and shift them around.

So the idea of an authorizing committee determining where in a department a program should be administered is not new. That is, as a matter of fact, more of a tradition than an exception.

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

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

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

I just wanted to suggest that the gentleman said a few minutes ago that the other authorizing committees are always designating new offices and

new titles, and so forth, and that is all dumped on the gentleman from Michigan and he has to make some sense out of the mess.

I just wanted to encourage the gentleman not to add to the mess that he has to manage.

Mr. FORD of Michigan. Let me just point out to the gentleman that last September we had joint hearings between the Committee on Post Office and Civil Service, which properly has jurisdiction over these people as Federal employees, and the Committee on Education and Labor. In 2 days of hearings, we made it very clear that we were dealing with not only the problem for the programs created, but the problem for the career employees created by this precipitous movement of their positions. Their salaries are protected, but they have just been put in the backroom with not much opportunity to worry about women's equity, civil rights, or migrant education.

So I urge a vote against the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. PACKARD

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

The Clerk read as follows:

Amendment offered by Mr. PACKARD: Page 91, beginning on line 15, strike out all of section 806 through line 23 and redesignate the succeeding sections accordingly.

Mr. PACKARD. Mr. Chairman, I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I would suggest the gentleman go ahead and state the substance of the amendment, and then we will discuss it.

Mr. PACKARD. Mr. Chairman, the 1978 Hatch amendment to the General Education Provisions Act provided for inspection by parents of "all instructional material which will be used in connection with any research or experimentation program or project."

The Department of Education recently proposed regulations under the Hatch amendment.

The gentleman from Texas [Mr. BARTLETT] and I offered section 806 as an amendment to H.R. 11 in committee because we were concerned that the proposed regulations did not require that a parent or student who had a complaint under the Hatch amendment must first pursue local and State remedies before appealing to the Department of Education.

The Department has added this requirement to the regulations it proposes and, therefore, our amendment becomes redundant and unnecessary.

Since we have no further objection to the Department's actions, we are offering this amendment to strike section 806.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. PACKARD. I will be happy to yield to the chairman.

Mr. PERKINS. Mr. Chairman, let me state that we are thoroughly in accord with the gentleman's amendment, but the Department has not yet issued the regulations. Could the gentleman give us any assurance that those regulations are going to be issued?

Mr. PACKARD. I have spoken to the Department today. They have read the regulations to me and I can assure the chairman that we will work with the Secretary of Education to make certain that they are published and, when they are, we will certainly be informing the gentleman.

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

Mr. PACKARD. I will be happy to yield to the gentleman from Texas [Mr. BARTLETT].

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

I have also spoken with the Department and the Department has assured me, and I assure the gentleman, that they will hold to their word and publish the regulations.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, under those circumstances, we accept the amendment.

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

Mr. PACKARD. I will be happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I do support the gentleman's amendment and believe it is a good addition to this bill and thank the gentleman for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAIG

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

The Clerk read as follows: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):

MERIT PAY

SEC. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section:

"PROHIBITION AGAINST THE USE OF FEDERAL FUNDS TO PAY SALARIES NOT BASED ON JOB PERFORMANCE

"SEC. 420A. No funds expended under any applicable program may be used to pay the salaries of educational personnel unless such salaries are based predominantly on job performance.".

Mr. CRAIG. Mr. Chairman, I will be brief because it is a brief amendment, but a most important one that I think speaks very clearly to the issue of pay, being recognized as meritorious, based on educational job performance dealing, of course, with the education dollars of the Federal Government that we are dealing with here in H.R. 11.

The amendment mandates that any Federal education funds spent on salaries must be based on job performance.

The amendment would allow federally assisted salaries to be paid on other criteria as well, including but not limited to seniority, education or other training, and market demand.

It excludes no other salary criteria. It only demands that merit or job performance be predominant.

The amendment mandates no particular merit pay system. They want the flexibility of the individual States in this decision.

We only believe that it is important to elevate the quality of performance in the classrooms of our Nation, that we recognize the value of job performance pay.

The term "educational personnel" essentially means classroom teachers. This is not directed at research, administrative, clerical, maintenance, or construction personnel paid wholly or partially by Federal education funds, but only those classroom instructors that may have a part or some of their salary paid for through the Federal dollar.

We believe this is consistent dealing with the General Educational Provisions Act, 20 United States Code 1232-B, and I am primarily referring to Federal dollars that go into construction of educational facilities where the Department of Labor deals with prevailing wages in determining certain salary limits beyond the ability of the local entities to make those determinations.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

An amendment of this nature has never been offered before the Committee on Education and Labor. It requires considerable study to determine all its ramifications, but let me state at the outset that it would destroy the morale of thousands of teachers and thousands of administrators that are involved in the Federal programs. It would just ignore seniority completely.

It is curious if we adopt an amendment of this type why we are not asking to apply this same requirement to measuring the job that we are doing here in the Congress, pay some Congressmen so much money, other Congressmen so much money, so much less.

An amendment of this type will just destroy the morale of all of our Federal programs of the people who are participating in the Federal programs.

I would hope that no one would vote for this amendment. If an amendment of this type is ever needed to a certain specific group, it should be studied thoroughly in committee.

I hope everybody will oppose this amendment.

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

Mr. PERKINS. Yes, I yield.

Mr. CRAIG. The chairman referred just a moment ago in his discussion to the question of seniority. I think the wording of the amendment and my opening remarks addressed the question or the issue of seniority. The word "predominantly," I think, speaks, of course, to the question not of job performance, but clearly allows the flexibility that a State ought to have and certainly my intent is not to bind local or State control in this area.

□ 1830

But offers that question of seniority as part of the total package in considering the pay issue. It only says that job performance must be part of it; would the chairman not agree with that?

Mr. PERKINS. Let me ask the gentleman who would make judgment here as to how much a Congressman should be paid if we adopted the amendment similar to what you are proposing that will affect administrators and supervisors and teachers involved in the Federal programs? Who would make that judgment?

Mr. CRAIG. Mr. Chairman, I would suggest that maybe some of us would be paid more and some of us would be paid less based on our job performance.

Mr. PERKINS. Mr. Chairman, I suggest that we all vote against this amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words and to oppose the amendment.

The amendment appears on its face not to really do very much. But, indeed, it raises a very troublesome problem for me. If you picture people working in programs in schools with Federal funds as being wholly paid by the Federal Government, then this amendment starts to make some sense. But, indeed, that does not happen. That rarely, if ever, actually occurs.

If you go into your area you will find that a vocational education teacher at a high school, for example, would be in a program receiving some of its money from your State funds, some of it from Federal funds, and they may indeed, if it is a target school, be receiving some title I money. And if it is a person teaching the handicapped in vocational education it could be receiving another type of education money.

By applying this limitation to the GEPA provisions of the act, it applies to all Federal education programs. A Head Start teacher might be teaching 1 hour a day in Head Start and the rest of the day teaching kindergartners. Or, a language teacher might be teaching 1 hour a day in a title I program for slow readers, and teaching the rest of the day in the regular program.

We would tell that school district that because they are going to use some Federal money to pay a teacher for some part of the day they have to adopt a pay system that satisfies the Secretary of Education that no funds will be expended under any applicable program to pay the salaries of the educational personnel whose salaries are not based predominantly on job performance.

When you write a simple little provision like this in the act you have to think of what the regulation is going to look like to implement it. It means that the Department will have to write a definition for what "predominant job performance" pay systems are, and then a school district will have to certify in some form of audit that they are paying each teacher who gets paid directly or indirectly with Federal funds predominantly on that basis.

I do not know what that is an alternative to in the real world because I was under the impression that teachers are now paid predominantly on job performance.

Job retention is where seniority becomes a problem. It does not have anything to do with pay except for the early stages of a teacher's career when they are getting in-grade raises because of a teacher contract that provides some seniority adjustments. But for the most part those are not really very substantial.

I really think that the gentleman has an idea that is worth exploring, to find some carrot to put at the end of the stick to attract people. Some Governors have already taken the initiative to do this, to taking a different look at how they attract and encourage the retention of the best in the teaching profession.

But I think that it could be very difficult for us now to impose on the thousands of school districts in the country some kind of a system of trying to figure out what they are going to have to do and what kind of books they will have to keep to make the Federal auditors happy when they come around in 2 years and ask them if they were complying with the law.

So I think that the amendment really ought to be withdrawn. If not, it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAIG].

The question was taken; and on a division (demanded by Mr. CRAIG) there were—ayes 15, noes 17.

So the amendment was rejected.

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

Mr. PERKINS. 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. HARRISON], having assumed the chair, Mr. MCHUGH, 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. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER ONLY CERTAIN AMENDMENTS TO H.R. 11 IN TOMORROW'S SESSION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that when we reconvene tomorrow, only the following amendments will be in order:

Two Goodling amendments to limit the authorizations; and, second, a prayer amendment to be offered by the gentleman from Indiana [Mr. COATS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FRENZEL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL TOURISM WEEK, 1985

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

Mr. RITTER. Mr. Speaker, today I am pleased to announce that I am introducing a new House joint resolution designating the week beginning on May 19, 1985, as "National Tourism Week." Earlier this year we celebrated the first National Tourism Week during the week of May 27–June 2 and it was a resounding success. Here in Washington and all across the country, national and State celebrations took place honoring the breadth of our cultural and natural heritages and the freedom we have in the United States to explore these treasures through our leisure time and our business and professional travel in activities.

It is fitting that we again set aside a week to focus on the contribution of the travel and tourism industry to this Nation's economy, employment, and goodwill throughout the world. When viewed as a single industry, it constituted the second largest retail industry in 1982. Our latest sources show that it generated 4.5 million jobs, paying $41 billion in wages and salaries, and producing $20 billion in Federal, State, and local tax revenues. Then there are all the jobs related to creating the facilities, the transportation systems, the communications and,

in general, the physical dimensions of the travel and tourism industry.

I am pleased to say that I am introducing this bill with 145 original cosponsors and would like to urge my colleagues who have not done so to cosponsor this bill to help celebrate an industry which directly benefits every congressional district in the country. More importantly, it is an industry which contributes substantially to personal growth and education and to intercultural appreciation of the geography, history, and people of the United States.

I also want to take this opportunity to express my appreciation to the distinguished Member from Tennessee, BILL BONER, for his leadership in chairing the Congressional Travel and Tourism Caucus which strongly supports this bill and was instrumental in promoting National Tourism Week 1984.

Mr. Speaker, I would like to include the text of the bill for the RECORD:

H.J. RES. 629

Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week"

Whereas tourism is vital to the United States, contributing to economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $255,000,000,000 in the United States during 1982, directly producing four and one-half million jobs, $41,000,000,000 in wages and salaries, and $20,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1982, as measured by business receipts;

Whereas tourism contributes substantially to personal growth and education and to intercultural appreciation of the geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect of the lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 19, 1985, is designated as "National Tourism Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ORIGINAL COSPONSORS

Representatives Addabbo, Akaka, Alexander, Anderson, Badham, Barnes, Bateman, Bates, Bevill, Biliraki, Boggs, Boner, Boxer, Britt, Campbell, Carney, Chandler, Chappie, Cheney, Clarke, Collins, Corcoran, Corrada, D'Amours, Daniel, Dannemeyer, Daschle, de Lugo, Derrick, Duncan, Durbin, Dymally, Emerson, Erdreich, Fauntroy, Fish, Flippo, Florio, Foley, H. Ford, Frank, Frenzel, Gilman, Gore, Gregg, K. Hall, R. Hall, Hammerschmidt, J. Hansen, Hartnett, Hatcher, Heftel, Holt, Horton, Hutto, Ireland, Jeffords, Kaptur, Kogovsek, Lagomarsino, Lantos, Leland, Lent, J. Lewis, T. Lewis, Lloyd, Lowery, Lujan, Lungren, McCollum, McDade, McGrath, McHugh, McNulty, Marriott, D. Martin, Matsui, Mavroules, Mineta, Mollohan, Montgomery, Moorhead, Murtha, Natcher, Nelson, Nielson, Oakar, Oberstar, O'Brien, Olin, Ottinger, Owens, Panetta, Parris, Pepper, Rahall, Regula, Reid, Richardson, Ridge, Ritter, Roberts, Robinson, Roe, Rostenkowski, Roth, Russo, Sawyer, Scheuer, Shelby, Siljander, Simon, Skeen, Skelton, C. Smith, L. Smith, Snowe, Spratt, Staggers, Stangeland, Stokes, Sundquist, Sunia, Tallon, Tauke, Tauzin, Taylor, Thomas, Traxler, Vandergriff, Vucanovich, Walgren, Walker, Weber, Wolf, Won Pat, Yatron, R. Young, Dyson, LaFalce, Quillen, Vander Jagt, and Conte.

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of the measure introduced by the distinguished gentleman from Pennsylvania. I do so to explain that when the first National Tourism Week resolution was introduced, we hoped to increase awareness of what tourism means to the U.S. economy, to honor the men and women who supply the services for the traveling public and to praise the travel businesses that employ over 4.5 million Americans.

I can tell you that even though this Congress passes many commemorative weeks each year, rarely have I seen the excitement and enthusiasm that was generated by National Tourism Week 1984. States and cities launched campaigns to explain the benefits of tourism to their communities and to welcome new travelers to their areas. Folk festivals, craft shows, welcome centers, and billboards across the country proclaimed National Tourism Week as their own. On a larger scale, national advertising campaigns extolled the worldwide events our country is hosting this year, the World's Fair and the summer Olympics.

Virtually everyone got in on the act; 38 Governors signed their States' version of National Tourism Week and all of the States used the national campaign to promote travel advantages and destinations in their areas.

Although tourism is our country's second largest employer, it is not like other large industries in this country. Because the travel and tourism industry is made up of about 1 million individual businesses, it tends to be fragmented. The overriding accomplishment of this legislation was that it helped pull together all parties involved in tourism and to unify their efforts to promote their product—travel.

Mr. Speaker, I would like to insert for the RECORD a listing compiled by the U.S. Travel and Tourism Administration which shows how each State celebrated with special week, so that each Member of this Chamber can see why they should join us in support of National Tourism Week 1985.

It gives me great pleasure to join the 145 original cosponsors of this legislation, today, which will designate the week beginning May 19, 1985, as our second commemoration in honor of tourism. If this legislation can be passed before we adjourn this year, we believe we will give the States, cities, and tourism industry the time they need to plan appropriate ceremonies around the event. I urge all Members of the House to join me today in support of this resolution.

At this point in the RECORD I include the following:

The city of Mobile, Alabama and the Mobile Area Chamber of Commerce and Convention and Visitors Council hosted a luncheon commemorating NTW, using U.S.T.T.A.'s slogan "Travel . . . The Perfect Freedom." Governor George C. Wallace proclaimed Tourism Appreciation Week in conjunction with National Tourism Week.

Alaska celebrated NTW by proclaiming "Tourism Month" and programs hosting international tour operators and press were planned for the entire month of May. An inspection tour for 20 Japanese travel writers was followed by a group of 12 top German editors and publishers. Anchorage held hospitality seminars for the 5500 residents who work directly with visitors.

Governor Bruce Babbitt of Arizona signed a state proclamation for National Tourism Week at a news conference for the travel and tourism industry.

A "River Fest" kicked-off Arkansas' tourism week with a wide range of arts, crafts, bands and childrens' displays. Governor Bill Clinton issues a state tourism proclamation.

California cities jumped on the bandwagon to commemorate NTW. Palm Springs Mayor Frank Bogert signed a city tourism week proclamation. The Palm Springs Convention and Visitors Bureau hosted a program designed to acquaint community members with the profession of special events planning. Mayor William Gissler proclaimed Santa Clara Tourism Week urging the people of the Mission City to observe it with appropriate activities and ceremonies. Anaheim Area Visitor and Convention Bureau planned a tourism salute during a California Angels baseball game at Anaheim Stadium and a media campaign featuring public service announcements on local radio and tv stations. Highlights also included: proclamations from the Anaheim City Council and the Orange County Board of Supervisors, distribution of a fact sheet highlighting economic statistics on tourism in the weekly pay envelopes of all hotel employees, and the unfurling of marquee signs recognizing tourism week throughout the city. Sacramento hosted an International Summer Festival and its Mayor issued a city tourism week proclamation.

Colorado State Patrolmen and the Colorado Division of Tourism joined together to promote safe travel. Each day during National Tourism Week a motorist was pulled over and crowned "Tourist of the Day," receiving a complimentary tourist package. Governor Richard Lamm joined with the travel industry to host a reception at his mansion in honor of major league baseball franchise owners and executives. Over 20 executives flew in from across the country. The Governor also took this opportunity to issue a state tourism proclamation.

Connecticut highway information centers opened during the week of May 27 commemorating National Tourism Week. The Governor's Annual Travel Achievement Awards Ceremony was held followed by a signing ceremony for a state tourism week proclamation.

Governor du Pont proclaimed May 27-June 2 Delaware State Tourism Week and their first special event was a "Steam Salute to Veterans" in the Brandywine Valley. Brandywine College's Travel and Tourism department offered an evening seminar series open to the public and Brandywine Valley celebrated NTW with a series of cultural, historical and travel oriented displays. Milford Chamber of Commerce held its annual World Weakfish Tournament; in Dover there was a children's show on the green and Delaware State Parks made visitors aware of the important role tourism plays through their regular programs.

Washington, D.C. issued a tourism proclamation and Gallaudet College initiated a publication entitled "Travel Resources for the Deaf."

Florida Governor Bob Graham commemorated NTW with the announcement of a fall conference on tourism accompanied by an effort to increase awareness of the economic importance of tourism.

Governor Joe Frank Harris of Georgia issued a state tourism proclamation and honored the Georgia Hospitality Employee of the Year. The Georgia Department of Industry and Trade put out two NTW kits, one geared for public service organizations and the other for television and newspapers. In addition, a state tourism policy was adopted.

Governor George Ariyoshi proclaimed the week of May 27 Hawaii Tourism Week and encouraged the state to celebrate with appropriate activities.

The Chicago Convention and Tourism Bureau served coffee to visitors in the Water Tower Visitor Center and handed out map/guide brochures that people might send to friends or relatives interested in visiting Illinois. The Illinois Office of Tourism worked with the news media on public service announcements and editorials, and with the Chicago Cubs and White Sox to flash NTW announcements on their scoreboards. The 1984 Governor's Conference on Tourism addressed the need for the Illinois legislature to increase the State's tourism advertising budget to compete with neighboring states and issued a state tourism proclamation.

The state tourism office in Indiana issued a serious of press releases and utilized local attractions to bring attention to National Tourism Week.

Governor Terry Branstad of Iowa signed a state tourism proclamation as well as Kansas Governor John Carlin, both generating many news articles on the economic impact of tourism.

Kentucky Governor Martha Layne Collins hosted a National Tourism Week luncheon in the Executive Mansion for seventy members of the travel and tourism industry. A state tourism week proclamation was also issued.

"Louisiana Tourism Day" was celebrated at the Louisiana World Exposition with travel and tourism industry leaders from across the state invited to attend a special reception/aquacade show and a private viewing of the Louisiana exhibit at the fair. Governor Edwin Edwards proclaimed Louisiana Tourism Day in conjunction with NTW.

Governor Joseph Brennan held a reception at his Mansion May 29, for members of the Maine Vacation Travel Commission to thank them for the contributions the travel industry makes to the economy. The highlight of the day was a signing ceremony proclaiming Maine Tourism Week. Information personnel across the state were divided into four groups and escorted on familiarization trips acquainting them with various regions of the state.

Governor Hughes of Maryland issued a state proclamation and city proclamations were issued by the Mayors of Ocean City, Baltimore and Annapolis.

Massachusetts Governor Michael Dukakis signed a proclamation declaring "Tourism Week" and hosted a special State House ceremony and reception on May 30.

Governor James Blanchard held Michigan's First Annual Governor's Conference on Tourism and issued a proclamation for state tourism week.

The Minneapolis Convention and Visitor Commission sponsored a second annual Super FAM and trade fair. NTW also marked the commencement of Minnesota's new horse and carriage livery service and the "Artsfest" sponsored by Walker Art Center. These events were promoted through news releases sent to national trade magazines. Minnesota Tourism Week was launched with a Twins baseball game.

The Missouri Highway Patrol and the Division of Tourism joined forces to sponsor "Operation: Thank You." During NTW, troopers served as goodwill ambassadors, greeting out-of-state motorists and presenting them a bag of Missouri souvenirs, brochures and travel discounts.

Governor Ted Schwinden issued a state tourism proclamation and Montana participated in the Tri-State Travel Forum.

A state proclamation was issued with the slogan "Nebraska Tourism Week . . . Celebrate Nebraska" and the week was kicked off with a carnival to welcome visitors. Major rest areas offered refreshments and local entertainment. The Mayor of Omaha issued a city tourism proclamation with all posters and press releases featuring the slogan "Travel . . . The Perfect Freedom". The Mayor also hosted a luncheon in honor of the travel and tourism industry and special mention was made of the economic impact of the travel industry.

Governor Bryan of Nevada held proclamation signing ceremonies in Carson City and Las Vegas, presenting international tourism marketing awards to Frontier Travel & Tours of Carson City and Desert Inn Country Club and Spa of Las Vegas.

Albuquerque, New Mexico distributed "Host Survival Kits" containing maps and promotional discounts.

In the Big Apple, New York City, they honored their Courtesy Awards Winner in a special ceremony on May 23. Just in case people missed their public service messages on radio and tv, the New York Convention and Visitors Bureau arranged for an NTW salute to be flashed on Diamondvision's giant new video screen at 47th Street and Broadway. NTW information centers received NTW commemorative buttons.

North Carolina Governor Jim Hunt declared the week of May 27, North Carolina Tourism Week and an economic awareness campaign was initiated to educate the public on the importance of tourism. Several front page stories on tourism appeared in the business sections of major newspapers.

A two-day Governor's Conference on Tourism kicked off North Dakota Tourism Week and the highlight was the issuance of official tourism week proclamations by the state and 12 cities.

The tourism community of Greater Cincinnati celebrated NTW with its "Invite a Friend" event on Fountain Square, May 29. Fifty attractions, hotels and restaurants had booths on the Square promoting their properties and giving out post cards to Cincinnatians to invite a friend to vacation there. A bank of six telephones was set up for long distance calls to invite friends to Ohio.

"On to Oklahoma! America's Frontier Lake State" slogan was developed to promote Oklahoma's abundance of water and water based recreational opportunities available to visitors.

Oregon Governor Atiyeh used National Tourism Week to hold a news conference and announce winners of their statewide tourism photo and poster contest.

"Travel Month" was organized by Pennsylvania featuring hospitality seminars, a travel writers familiarization tour, a million dollar campaign with Coca-Cola utilizing the state slogan "You've Got A Friend in Pennsylvania", and a series of press releases generating tourism story ideas. Pennsylvania also promoted the slogan "Greet a Visitor, Make a Friend."

Blackstone Valley, Rhode Island joined with the U.S. Department of Interior to hold meetings on ways to upgrade the tourist areas, i.e., bicycle trails and parks.

South Carolina Governor Richard Riley issued a state proclamation while welcome visitors centers distributed 5,000 National Tourism Week buttons. The Pee Dee tourism area conducted two workshops on how to sell the tourism market.

South Dakota issued a state tourism proclamation and Kay Riordan Steuerwald, President of Mountain Company, printed 5,000 large NTW buttons for local distribution. South Dakota utilized NTW to promote their National High School Rodeo finals and launched a new set of tourism information boards throughout the state.

Governor Pedro P. Tenorio of Saipan declared the week of May 27 tourism week for the Commonwealth of the Northern Marianas. It was highlighted with an art exhibition, skits by students, sports events and training programs covering the impact of tourism on the CNMI economy.

For the folks in Nashville, free lemonade was provided at rest stops and some advice for motorists highlighted Tennessee Tourism Week.

Texans emphasized their state motto "Friendship" during Texas Tourism Week. The Dallas Convention and Visitors Bureau hosted a seminar and luncheon for travel industry leaders celebrating Mayor Starke Taylor's proclamation of Dallas Tourism Week.

Salt Lake City, Utah Mayor Ted Wilson issued a city-wide proclamation for tourism week.

Vermont Governor Richard A. Snelling proclaimed May 27 "Vermont Tourism Day" and encouraged commercial attractions to offer special discount prices or free gifts. The Vermont Society of Travel Agents, in conjunction with Vermont Transit, sponsored a promotional contest whose winners received a free bus tour package.

Governor Juan Luis of the Virgin Islands prepared an NTW proclamation. A water carnival with boat races and a boat parade featured the hundreds of charter boats located in the Virgin Islands; school children were involved in preparing arts and crafts

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suitable for "Made in the Virgin Islands" labels for sale to tourists; and the business community was involved in a public awareness compaign dealing with the impact of tourism on the lives of the Virgin Islanders.

Governor Robb of Virginia signed a Certificate of Recognition for Virginia Tourism Week, with leaders of the Virginia tourism industry on hand. Statewide television and radio public service announcements, press releases, and fact sheets highlighting tourism's economic contribution to Virginia were also made available. The Richmond convention and Visitors Bureau organized a "Riches of Richmond Treasure Hunt" special tour; Washington County Chamber of Commerce and the City of Alexandria issued local resolutions commemorating NTW; and tent card displays were printed and distributed to local and regional tourism centers, leaders, highway welcome centers and state chambers of commerce. Historic Lexington Visitor Center presented certificates to all visitors, making them honorary citizens for the city.

Governor John Spellman of Washington proclaimed "May Tourism Month" and the state busied itself with TIA's 1984 International Pow Wow.

West Virginia kicked off their NTW celebration with the Governor's Travel Fair, May 6-11.

Governor Earl proclaimed "Wisconsin Tourism Week" and the state advertised with a public service announcement narrated by Lt. Governor Flynn using the U.S.T.T.A. slogan "Travel . . . The Perfect Freedom." The Wisconsin Association of Convention and Visitors Bureaus released "Escape to Wisconsin" music for radio and TV spots and the Turner Broadcasting Systems' "American Heritage Series" Wisconsin segment pretelecast screening and reception was held May 30.

Wyoming Governor Ed Herschler signed a state tourism proclamation and the state participated in the Tri-State Travel Conference.●

GENERAL LEAVE

Mr. RITTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. [Mr. HARRISON]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AGENDA FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, last evening the President of the United States went before the American people and suggested that this House ought to try to enact some major legislation prior to our adjournment this year. The President suggested, I think truthfully, that there are many items before this House that need to be acted on before Congress can really regard its work as done, items that have the support of the vast majority of the American people, that have support in virtually every region of the country, that has support by many of us in this country, who are thwarted by the leadership of this House in terms of debating those issues in the House.

Items, for example, like the balanced budget amendment to the Constitution. The President recognizes, as many of us did, that in order to have the kind of fiscal discipline that will get us to a balanced budget, we are going to have the kind of constitutional amendment that exists in over 40 States of the Union that are able to maintain balanced budgets because they impose such a fiscal device.

Items such as the IRA's for housewives, the President suggested that individual retirement accounts ought to be available to women who choose to stay at home and take care of their children, to men who choose to stay at home to take care of their children.

So to these people who have decided not to go out in the working world, but rather to stay at home, the President suggested we ought to have IRA accounts made available to them through legislation brought before this House before we adjourn.

The President also suggested last evening that we need to act on the tuition tax credit issue to assure that our parochial schools are adequately funded not by money coming out of the public trough but by money that comes from the people of the country who then would be able to get a tax break for that contribution that they make to their own children's education.

The President suggested that we ought to move ahead on his crime-fighting package. Across the length and breadth of this country people are concerned about the fact that they are experiencing crime in their neighborhoods and in their cities and towns. They want something done about it.

The President has put together a multifaceted crime package that passed the Senate by 91 to 1 and yet this House has not seen fit to act on that crime package.

The President suggested that that is something that we need to act on.

The President put forward, in other words, a major kind of agenda. I may have left out an item or two inadvertently here. But in other words, it is a kind of agenda that we need to be acting on and I think that it was right that the President said to Congress, "OK, you are getting down toward the end, it is now time to go to work on behalf of the American people."

And I found within the President's remarks precisely the kind of agenda that this House can do if we are simply willing to get to work.

Another item that the President mentioned, for example, was enterprise zones; that would assure we would have economic betterment in some of the worst areas of our cities. It would assure economic opportunity for some of the poorest of our citizens.

The President suggested we ought to get to work and get that done in this last few weeks of the Congress.

I yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate my colleague from Pennsylvania yielding. I was very pleased that our President last night in the press conference mentioned some of the key issues that Congress had been less than responsive in dealing with.

First on that list was the whole issue of the constitutional amendment to balance the Federal budget. It was also interesting this morning that on the front page of the Wall Street Journal was an article about an effort that is underway in the State of California at this moment in an initiative drive that I and others of this body were involved in through Congressional Leaders United for a Balanced Budget, the CLUBB organization that I chair here in the House; that Senator PETE WILSON chairs over on the Senate side.

I talked about the kind of momentum that is beginning to build in the State of California to potentially bring that 33d State on board in petitioning this Congress to respond to the wishes of the American people.

One of the latest polls that has been taken by a national polling firm shows that 83 percent of the American public are now having their wish stopped by this Congress to be responsive in issuing forth an amendment that would bring revenues and expenditures into line, that is, a balanced budget, and limit taxation.

Just as we went out on recess the State of Montana, which has been actively involved in a similar initiative drive to force the issue of the petition in which that State legislature; that is, the citizens of the State of Montana, would request of Congress to issue forth an amendment to deal with the balanced budget, qualified, or I should say submitted over 60,000 signatures to the secretary of state in Helena, when only 34,000 signatures are required.

The point I am making and I am pleased that my colleague from Pennsylvania would take this special order tonight to reiterate these points, is that if Congress does not respond before the end of this session, by the November election, this Congress, by its inaction, could well force a major constitutional crisis upon this Nation, because the citizens have called, by the two-thirds or the 34 States required, that this Congress issue forth that amendment and it will have refused to at that time.

I hope that this Congress, that the chairman of the House Committee on the Judiciary, that the Speaker of this

House is not so less than responsive to the citizenry that it would deny them the opportunity for this most important constitutional debate that would take place in our body responded by issuing forth that amendment.

I thank my colleague.

Mr. WALKER. I thank the gentleman.

I think it is apparent that the problem does rest in the legislative branch of Government. It is obvious across this country there are many people very much in favor of moving on the balanced budget amendment in a great number of our States.

It is obvious the executive branch of Government wants to move on it.

The problem is here in the legislative branch. That is the reason the President has asked us to act. I think it is apparent from the gentleman's very cogent remarks why we should act.

I yield to the gentleman from Tennessee.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET DURING THE 5-MINUTE RULE ON TOMORROW, THURSDAY, JULY 26, 1984

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology be permitted to sit for the purpose of receiving testimony while the House is reading for amendment under the 5-minute rule on Thursday, July 26, 1984.

Since the gentleman in the well, the gentleman from Pennsylvania, is the ranking minority member of the subcommittee, it is my understanding he has no objection to this provision.

Mr. WALKER. Mr. Speaker, I would agree with the gentlewoman. I have no objection to the unanimous-consent request.

Mrs. LLOYD. Mr. Speaker, I thank the gentleman from Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

□ 1850

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I just want to commend the gentleman for taking this time again to discuss the agenda which now the President of the United States has indicated as one of his top priorities or at least his agenda for the work of this Congress for the remainder of this session.

The gentleman from Pennsylvania has gone through that list, but I would like to again identify the six major issues that the President in his press conference last night specifically called upon the House of Representatives to act upon.

First of all, the constitutional amendment that would require a balanced budget.

Second of all, the provision that would permit nonworking spouses to establish individual retirement accounts.

Third, a bill providing for tuition tax credits for parents sending their children to nonpublic schools.

Fourth, enterprise zone legislation.

Fifth, the President's crime control package.

And, sixth, the equal access bill.

Now I mentioned the equal access bill last because, of course, just a few hours ago today this House did pass, finally, the equal access bill.

I would point out and I guess the reason I bring that one up is because we have to look at how much pressure and effort it took to get that one piece of legislation, which I would think would be fairly noncontroversial, to the floor of this House for a vote. First of all, it was put on the Suspension Calendar by the Speaker. Now what does that mean? It means that it must pass with a two-thirds vote, rather than the simple majority that every other piece of legislation can pass by. Therefore, in essence, the majority used its power to kill the bill even though a majority of the Members of this body favored the equal access bill. Because a majority voted for it, but not the two-thirds majority that is required under that special procedure.

We were able then to bring it back onto the floor again today again with a fairly complicated parliamentary procedure. After watering down some of its provisions finally passed that bill into law.

But if it is going to be this kind of footdragging and this kind of parliamentary maneuvering that is going to be used to kill all the legislation that is on the President's agenda, then I think the President has a very valid case to take to the American people in saying, progress for America's future is being held up right here in the Democratic-controlled House of Representatives.

I think the gentleman has identified those issues correctly and I thank him for taking out this special order.

Mr. WALKER. I thank the gentleman for making the point because I think what the success with the equal access bill says today is the President has given us a very legitimate kind of schedule. It is an agenda that we have been talking about for some weeks on this House floor. There is nothing in the President's proposals of last night that Members of this House have not heard before from many of us suggesting from almost day one when this session of Congress opened that these items ought to be acted upon.

We were saying back when the House was meeting for a half an hour a day or back when we were doing 1- and 2-day weeks that these are some of the things that the House could be acting upon at that time. At that point we were told that we simply were asking too much of the House of Representatives to expect action on those measures.

Nevertheless, we have been saying day after day that these items need to be acted upon. Now the President comes forward and he says, yes, those are items that have to be acted on, that this is something which I believe the country wants and I think any reading of the country would suggest that the President is correct.

But just the fact that we were able to take one of those measures about 12 hours after the President suggested that we move and bring it to the floor and get action on it today suggests that the President has presented a very realistic legislative schedule and that there is no reason why, in the next several weeks, that the rest of the items that are on the President's agenda could not be brought to this House floor, debated, and hopefully passed so that the American people would have the Congress completing work on things that they regard as the vital agenda facing this country.

Mr. WEBER. If the gentleman would yield further, I think that the gentleman is right. I think that the American people have to understand the President has not suggested items of legislation here that are brandnew ideas that nobody has really talked about before or items that have no bipartisan support at all. For instance, look at the President's crime control package. This is basically a package of legislation that passed the U.S. Senate on a vote of 91 to 1 several months ago. There is no reason why that legislation could not be brought to the floor of the House of Representatives right now and acted on.

Again, if the House chooses in its wisdom to vote that package down, that is fine. But then at least the American people will know how their Representative voted on legislation to get a handle on the crime problem in this country. The problem is now there is no accountability because Members are not called upon to vote on these issues and in essence in this body are able to duck those issues.

Mr. WALKER. Let us understand how realistic it is, too. The enterprise zone concept was before the House-Senate conference committee just a couple of weeks ago, was rejected by that conference committee, but it is an item that has been debated in the Congress, that is well known to the membership. For the President to suggest that we ought to get a vote on it here in the House of Representatives

is totally logical, totally appropriate, and something that needs to be moved forward.

In other words, the President has come forward with a package that is realistic, that is wholly in line with what he thinks the mandate should be for this Congress. I do not see any reason why if we will apply ourselves why we cannot complete work and at least get votes on every one of those items.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

He is bringing up an eloquent point. The President has not offered an agenda which is unachievable, as is pointed out by the balanced budget amendment, as has been pointed out regarding the crime bill.

I would like to point out one aspect dealing with the urban enterprise zone idea. The gentleman is correct. On the conference report on 4170, the tax bill, the Senate did in fact pass in their tax bill version enterprise zone bill. However, in the House-Senate conference committee, once again, not the Republican leadership but the Democratic leadership decided not to receive the Senate and to pull out the urban enterprise zone bill.

But let me point out something else. This is not the first time the Senate has passed urban enterprise zones. This is the second time. A bill which has over 155 cosponsors has been defeated in the House-Senate conference committee by the House Democratic leadership.

Mr. WALKER. There are 155 cosponsors of that bill in the House of Representatives?

Mr. SILJANDER. At least, probably more than that. There are white cosponsors, black cosponsors, Democrat liberals, Democrat conservatives, Republican liberals, Republican conservatives, urban/rural, north, south, east, west, every philosophical bent, every geographic location has cosigned a very important bill. And yet, two people, the chairman of the Ways and Means Committee and the Speaker of the House, have bilaterally, the two of them, decided that this bill is not worth it, for whatever motivations they may possess.

□ 1900

Let me bring up one other point, if I may, if the gentleman will yield further.

Mr. WALKER. Well, I think the gentleman makes an important point, because it builds on what the gentleman from Minnesota and I were saying, that once again this is a bill that has very, very broad support in the House of Representatives. It is not something which is new and novel. The President is not suggesting something that his administration has just written. He is suggesting something which is wholly within the realm of possibility and something which really ought to be acted on with that kind of cosponsorship and that kind of broad base.

I will be glad to yield further to the gentleman.

Mr. SILJANDER. The point I want to make, I represent a town called Benton Harbor, MI. It has been sugject to "60 Minute" specials, it has been on front pages of major newspaper magazine sections and articles because Benton Harbor, MI, suffers probably with 70-percent unemployment. The statistics from the Department of Labor are lower, but the reality is 70 to 80 percent of those people are not working. The people in Benton Harbor are suffering from drugs and crime. It is a blighted area. It was a once prosperous town, so prosperous—I do not mean this facetiously—that Al Capone drove from Chicago to Benton Harbor because it was a beautiful town on Lake Michigan, it was a town to which people from all over the country came to enjoy themselves, it was a tourist town of great attraction.

Mr. WALKER. The gentleman does not suggest that the enterprise zones are going to bring Al Capone back, does he?

Mr. SILJANDER. It might be an accusation, it might be the only reason why the Democrat leadership in this House has twice refused to bring it up in the conference committee after passing the Senate.

Mr. WALKER. We ought to watch it. They may use that as a reason not to bring it up.

Mr. SILJANDER. I hope they will not.

The point is very clear, I think, to the membership, that Benton Harbor, MI, a once prosperous, vivacious tourist attraction, is now only an attraction for the media because of the devastation and the human blight in that city.

What is the only hope that the people of that town have had for the last 4 or 5 years? Their hope is that an urban enterprise zone could be implemented in Benton Harbor, affording opportunity for the people who are now unemployed, who are on some form of aid, the vast majority of people, who want to work. They do not desire aid, they do not desire unemployment. But there is not opportunity in a town from which most industry has left, and the downtown area looks as though a bomb of some sort has struck.

The point is very simple. Benton Harbor's hope and glimmer for their future, their vision for human compassion, the change, the crisis, the economic crisis in that community, has been snuffed out not once, but twice. It has been snuffed out by the leadership on this side of the Congress, not the Senate side. The Senate gave them temporary hope. The Senate passed it twice. Two times the House leadership, the Democrat leadership, decided, no, we will not include urban enterprise zones on either of the two bills, when there was clear opportunity to do so.

I am just so happy for the gentleman from Pennsylvania in his ability to articulate clearly, and the President of the United States, who last night also mentioned in a very comprehensive way the need for America to rise up with great anger and look at blighted areas like Benton Harbor, MI, with compassion in their hearts for people, human beings who desire opportunity, who seek opportunity, and that opportunity, because of inactive, zealous, politically motivated, politically manipulative Congress, Democrat-leadership Congress, has defeated twice that bill in committee.

I thank the gentleman for yielding and I thank him for the opportunity to let the people of this country know, to let the membership of this Congress know that it is not the Senate or the President who is holding urban enterprise zones but it is rather the Speaker of the House and apparently the chairman of the Ways and Means Committee, who both wield incredibly awesome power.

Mr. WALKER. I thank the gentleman for pointing out the problem, and that is a problem, of course, which is repeated in towns and cities all over the country. There are many, many urban areas that suffer the same kinds of problems that the gentleman has revealed as being a problem in his district, and that is the reason why the urban enterprise zone concept is so important. It is a way in which we can show that private enterprise has the ability to move into blighted areas and provide jobs, provide opportunities for people who today have no hope and have no opportunity. That is, in large part, what we have been all about in talking about some of these issues on the floor up until now. It is disappointing that we have had to press and prod, and bully almost, to suggest that some of these things need to be debated, and it is disappointing that we have to come this late in the session and have the President of the United States suggest that these are items still left on the agenda. But indeed they are left on the agenda, and once again we need to point out the President is absolutely correct in suggesting that if we do not do those things before this Congress finishes, that this Congress will have failed in its duty to the American people.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota, and then I will yield to the gentleman from California.

Mr. WEBER. I thank the gentleman for yielding, and I would just like to make a point. What the President was really doing in a very real sense was calling the Democrats' bluff in terms of the rhetoric that we heard flowing out of their convention from San Francisco last week.

Let us review a little bit of that. What did we hear from the Democrats for that whole week in San Francisco?

Well, we heard probably more about deficits than just about anything else.

So the President says, "Well, good, let us act on the balanced budget constitutional amendment and get rid of deficits in America's future."

We heard an awful lot from the Democrats about families; we heard that word more often than the Democrats have probably used it in the last 20 years.

Well, among the President's proposals are IRA's for nonworking spouses, tuition tax credits, items that are specifically aimed at problems felt by certain American families.

We heard an awful lot of rhetoric about the poor from the Democrats at their convention. As we have been talking about here for the last few minutes, one of the President's proposals is enterprise zones, which is probably one of the best, most well-proven devices for combating poverty in inner-city areas in recent years.

And we heard an awful lot from the Democrats about values, traditional values. Well, again, the equal access bill, the crime bill address problems that are value related in our culture.

And all of these items, in the President's words, should come to the floor of the House for action quickly. But none of them will come, with the exception of equal access, which we finally dynamited onto the floor of the House, because the Democratic leadership wants to talk about deficits and families and the poor and values but they do not want to act on any of this legislation.

I think the President really summed it up real well. Mr. Mondale talked a lot about new realism. That seemed to be one of the catchwords at the Democratic Convention. The President said, "It is time to test the new realism and see if the Democratic leadership will move from words to action."

I think the President hit the nail on the head. I hope we can force them to move from words to action. But it will not be because they want to. It will only be because they feel the heat from the American people.

Mr. WALKER. I thank the gentleman.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman from Minnesota makes a number of excellent points. I was amazed to see that Mr. Mondale is demanding some six debates with President Reagan, because we do not have here two spring chickens, two new candidates. We have in President Reagan and candidate Mondale two leaders, one presently a leader of the United States, our President, and the other one formerly a Vice President under the Jimmy Carter administration, who have records. And it occurred to me that we have in President Reagan a leader who is presently executing a record that is far superior to the record, not the rhetoric, of candidate Mondale.

I was just thinking the other day—and perhaps the gentleman from Minnesota can help me with my figures—but as I recall, there were some 98 million jobs in this country in 1981, when President Reagan took over. Today there are 105 million new jobs, for a net gain of 7 million new jobs. Is that accurate?

Mr. WEBER. That is roughly correct. I am not really good at the numbers, but I will tell you that we have created more jobs in America in the last year and a half than the entire continent of Europe has created in the last 10 years.

There are two statistics you can look at. You can look at the unemployment statistics, or you can look at the percentage of the workforce that is employed, which is another way of measuring it. We are fast approaching a point where we will have a larger percentage of the American workforce employed than ever in American history. And that will indeed be a watershed, and it will be due to the sound economic policies of this administration.

Mr. WALKER. We already have a historic high number of women who are employed percentagewise in this economy. The economy has been particularly beneficial to women who want to join the workforce.

Mr. WEBER. If the gentleman will yield for one more minute, in addition, if you look at the figures on business creation in the last few years, we have had roughly five times as many female-headed businesses formed during the years of the Reagan administration as in any previous year, which again has to be attributed to the kinds of economic policies that would produce an economic climate in which you can form record numbers of businesses, whether you be male or female, black or white, rich or poor.

Mr. WALKER. We often hear a lot of talk about the bankruptcies that are taking place across the country. No one puts with that the statistics of the number of business formations. Of course, you have a number of businesses which are going bankrupt because you have so many more businesses that are starting up in the first place. The fact is that in any kind of business climate, you are going to have a fairly large percentage of opening businesses, of first-time businesses, that fail. Many, many of those bankruptcies are not as a result of poor economic conditions as they are the result of good economic conditions which have caused people to go out and take the risk in the first place. Not all the risks pay off. And that shows up in those bankruptcy figures. But the fact is, there have been a startling number of new businesses created which are thereby creating the new jobs. Those new jobs are thereby contributing to economic growth and it is contributing to the kind of economic growth that is confounding the experts when they see 7½ percent real growth in the second quarter of this year. No one predicted that.

□ 1910

The reason why no one predicted that is because no one is really taking a close look at what is really happening in the economy in terms of the formation of small businesses. Once again, the President understands all of those things. The President takes a look and says, OK, there are certain things that we need to have happen to keep all of this going. He outlined six of them last evening, and if this Congress really wants to see the country continue to move forward, it will act on that package of six. The gentleman mentions the six debates, I was just about to suggest that maybe we could have a debate on the six items that the President outlined last evening among the candidates. However, we have already passed the one thing, so maybe we will have to limit it to five debates now.

I yield to the gentleman from California.

Mr. HUNTER. Since we are talking about accomplishments of the past administration, the now fallen Carter-Mondale administration and the Reagan administration, I wonder if my colleagues could help me make a calculation here that I think is a relevant one.

As I recall, Mr. Mondale and Mr. Carter used to talk about the misery index, and to my recollection, the misery index was a combination of the unemployment rate, the inflation rate, and the prime interest rate.

Mr. WALKER. No, just the first two.

Mr. HUNTER. He used the unemployment rate.

Mr. WALKER. The prime misery rate is what the gentleman is talking about. There is a prime misery rate which adds in the prime interest as well.

Mr. HUNTER. Well, let us take the first two for purposes of calculating out what kind of a job Mr. Mondale did and what type of a job Mr. Reagan has done. Now if the unemployment rate is 7.1 percent today, it was 7.4 percent under Mr. Carter, immediately before the commencement of the Reagan administration, and the inflation rate today as I recall is 4.1 percent.

Mr. WALKER. 4.1 percent annualized off the figures of yesterday. If you do the first 6 months of this year was a 4.1-percent annualized rate.

Mr. HUNTER. So let us say 4 percent; 4 percent and 7.1 percent is 11.1 percent; that is the misery index under the Reagan administration. The unemployment rate was 7.4 and the inflation rate under Mr. Carter was what?

Mr. WEBER. About 13.5 percent.

Mr. WALKER. Well, it was about 12.7 percent when they left office.

Mr. HUNTER. Shall we make it 12.7 to be fair?

Mr. WALKER. Make it 12.7.

Mr. HUNTER. Let us be fair with Mr. Mondale. I have got a misery index for the Mondale-Carter administration of 20.1, compared to a misery index under the Reagan administration of 11.1. So, roughly the misery index that was composed by Mr. Mondale and Mr. Carter as an indicator upon which the American people should use to judge their Chief Executive's performance along with his Vice President of 20.1. That is misery; 20.1 points of misery under Mr. Carter as opposed to 11.1 under President Reagan.

I wonder if Mr. Mondale really thinks that six debates can make the American people forget about that record?

Mr. WALKER. Well, the gentleman is absolutely correct, and it takes a good deal of chutzpah, as some people at the Democratic Convention did, got up and talked about the misery index, and talked about the misery index of the Reagan administration. Also there was a good deal of talk at that convention or I should say in the platform about the misery index. It takes a lot of chutzpah for a party that had a misery index, as the gentleman calculates it, 20.1, and is now criticizing an administration that has brought that down to just over 11. It is apparent to the American people that there has been a major improvement. The figures show there has been a major improvement. It is only the liberal Democrats who met together in San Francisco who cannot see where the country has gone.

Mr. WEBER. The thing that should concern everybody about the point that the gentleman from California has been bringing up is that throughout that entire Democratic Convention, there was, of course, no credit given to the President for the decline of the inflation rate or for the decline of unemployment, mainly because it came about as a result, I believe, of private sector expansion rather than Government jobs. What that says to us is something about the way in which the Democrats would govern.

It says to us, first of all, I think, that they do not care any more about inflation than they ever have historically as a party, and so we have the American people rightly concerned about that. If that were not the case, we would have heard somewhere in the course of that Democratic Convention someone talking about the fact that it was not good to have inflation. Good for poor people, old people, or in-between people, if you will.

Beyond that, we might have heard something about the necessity of maintaining the health of the private sector of the economy, since it is that health of the private sector of the economy that has drawn down the unemployment rate, of course, in the Reagan administration.

Instead of hearing that kind of rhetoric, what did we hear? A pledge for a big tax increase from Mr. Mondale which will attack directly those very expansionary economic policies that have brought down the unemployment rate through the expansion of the private sector.

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

Mr. HUNTER. I think it is ironic that just as Mr. Reagan has convinced Francois Mitterrand, the French leader, that perhaps the policies of socialism and some of his liberal economic policies are not working, and in fact I think if the French commence to move toward a more private enterprise-oriented economy, they are going to see their economy, which is now in the doldrums, actually pick up and begin to improve.

I think it is ironic that just as our President has convinced the leader of France to start moving to an expansion economy and an economy that is more productive, apparently we have a political leader in our own country who wants to take us back to the failed policies of the Mondale-Carter administration that produced this 13-percent inflation rate and high unemployment and high interest rates.

Mr. WALKER. Well, the gentleman is absolutely correct. What we know is that the President was right on economics; he was right on the program he put forward. He is absolutely right on the program that he put forward last night. This Congress would contribute greatly to the forward movement of this country by passing the 6-point program put forward by the President last night.

I hope that the Democratic liberal leadership of this Congress will recognize what is in the best interests of the American people and put aside their special interest concerns for a moment. They could not put them aside at the convention, but put them aside for a moment when it relates to the American here in this body and pass the President's program.

REPRISALS AGAINST LAWYERS IN POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is common knowledge that the Government of Poland recently declared an amnesty for some of the political prisoners in that country. However, one must question the true motivation of this action. In the past, the policies of the Polish People's Republic have been twofold—to convince the United States to lift economic sanctions, and to break the Solidarity movement once and for all.

This most recent declaration of amnesty does not appear to deviate from these policy objectives, and seems only to divert attention from the flagrant human rights violations occurring daily in Poland. Many share my hope that this declaration is a first step in changing the present government's repressive policies, but unfortunately, our hopes are in vain, for despite this grant of amnesty, the Polish People's Republic is still actively working to crush the Solidarity movement.

Independent Western observers have been barred from the trial of four prominent dissidents who helped form the outlawed Solidarity labor movement. Solidarity leaders are still being arrested on trumped-up charges, and just last week a Warsaw court acquitted two policemen charged in the beating death of a 19-year-old Solidarity supporter. I would like to share with my colleagues an editorial, appearing in the July 19, 1984, edition of the Chicago Tribune, which outlines the repressive policies that persist despite the granting of amnesty. The article follows:

POLAND'S TWO-FACED AMNESTY

Those who guard the ramparts of human rights generally view an amnesty of political prisoners by any government as a welcome development. But before standing in line to congratulate the Polish government on its decision to grant amnesty to some of Poland's 660 political prisoners, consider these development:

Independent Western observers have been barred from the trial of four prominent dissidents who helped form the outlawed Solidarity labor movement in 1980. Lech Walesa himself has been denied entry to the courtroom, where all extra seats are filled by officials from the Ministry of Internal Affairs.

In another case that has inflamed the passions of many Poles, a Warsaw court on Monday acquitted two policemen charged in the beating death of a 19-year-old Solidarity

supporter whose funeral last year drew 20,000 mourners. Instead, two ambulance drivers were convicted of negligence when driving him to a medical clinic after his detention.

On Tuesday, Bogdan Bujak, whose brother is part of Solidarity's underground leadership, was sentenced to 18 months in jail upon conviction on charges he led an antistate demonstration last December marking the death of 50 workers in antigovernment demonstrations in 1970.

Elsewhere, the jailed former Solidarity president of Lodz, Andrzej Slowik, has gone on trial on charges that he insulted a prison warden. In other cases, Rev. Henryk Jankowski, Mr. Walesa's parish priest, has been charged with delivering sermons that incited "public unrest," and authorities have announced trials for Rev. Jerzy Popieluszko, a pro-Solidarity priest accused of preaching against the state, and Maciej Bednarkiewicz, a lawyer who often defended Solidarity activists.

It isn't clear if any of the above prisoners will be released in the amnesty planned to coincide Sunday with the 40th anniversary of Poland's communist rule. What is clear is that after 40 years, Poland's Communist Party and its Kremlin masters can provide neither an adequate economic system nor peace of mind to a troubled people begging for relief. Like his political brethren in Eastern Europe, Gen. Wojciech Jaruzelski depends on force and fear of arrest as the primary motivating factor behind his suppressive regime.

Recently, Mr. Aloysius Mazewski, president of the Polish American Congress, contacted me to express his organization's deep concern about the systematic efforts of the Polish People's Republic to break the resistance of the Polish people to the Communist regime and to outline several specific instances where the government has taken reprisals against Polish lawyers for their attempts to defend their clients effectively in political cases. Some of these lawyers have been arrested, and others have been suspended from the practice of law. These actions have made a travesty of liberty and justice, and are designed solely to demonstrate the total supremacy and control of the Communist regime over the police force and the judicial process. These actions must be condemned in the strongest possible terms.

A copy of the statement on this subject by the Polish American Congress follows:

POLISH AMERICAN CONGRESS DENOUNCES ATTACKS AGAINST POLISH LAWYERS AND POLITICAL TRIALS OF SOLIDARITY ADVISORS

Recent reports from Poland indicate that the government of the Polish People's Republic has significantly stepped-up its efforts to break down the broadly-based resistance of the Polish people to the arbitrary and ruthless rule by the Communist regime.

Over the past several months a determined attack has been mounted against Polish lawyers in reprisal for their attempts to defend their clients vigorously and effectively in political cases. The attack focuses on the twenty or thirty lawyers who bear the brunt of providing legal representation for thousands of their fellow citizens who have been interned or imprisoned since the declaration of martial law in December, 1981. The victims include several of the country's most prominent lawyers, thereby serving notice to their less well-known colleagues that no lawyer is safe from reprisals for providing effective legal representation and holding the military regime accountable to the Polish law.

On February 17, 1984 the official Communist Party newspaper, Trybuna Ludu published an article on "The Civic and Professional Responsibility of Lawyers". The article singled out by name four defense lawyers in Political cases: Maciej Bednarkiewicz, Wladyslaw Sila-Nowicki, Piotr Andrzejewski and Jan Olszewski. It accused them of "at all costs attempts to have the defendants not guilty" and asserted that "the functioning of defense attorneys should as a matter of principle serve society and its highest organizational formation, the state", which the Trybuna parlance is synonymous with the Party. Trybuna Ludu also attacked the Lawyers Council, an organization representing most of the country's lawyers which was formed at a national congress of the legal profession in October, 1983 to replace the Lawyers Association which the government dissolved during the martial law period.

While the other three have been suspended from legal practice, Maciej Bednarkiewicz was arrested early in 1984 after a search of his apartment in which documents relating to the political cases he was handling were seized. He is charged with having offered a man, who claimed to be a ZOMO (special riot police) deserter, money to deliver to him a police radio transmitter. Several months earlier Bednarkiewicz told other lawyers that he had been approached for representation by a man who claimed to be a ZOMO deserter, but he did not believe the man's story and declined to take his case.

Currently the authorities have set a July 13 trial date for four top Solidarity advisors, former leaders of the Social Self-Defense Committee—KOR, who are charged with plotting to overthrow Poland's Communist political system. If convicted they face maximum terms of 10 years imprisonment. They are Jacek Kuron, Adam Michnik, Henryk Wujec and Zbigniew Romaszewski.

Charges brought against them, as well as against attorney Maciej Bednarkiewicz constitute thinly disguised acts of political vengeance not only against them personally, but against the entire democratic human rights movement in Poland. The whole process is intended to demonstrate total supremacy of the regime and its Party controlled police and judicial apparatus over the independent, democratic opposition to its totalitarian rule, and therefore the futility of further resistance.

We protest and denounce these new flagrant attempts to terrorize the people of Poland into total submission to the Communist rule. Americans of Polish descent pledge their utmost support for the brave people of Poland in their valiant struggle for freedom.

Aloysius A. Mazewski, President; Helen Zielinski, Vice President; Kazimierz Lukomski, Vice President; Harriet Bielanski, Secretary; and Joseph A. Drobot, Treasurer.

Mr. Speaker, so long as these totalitarian tactics of terror persist, a grant of amnesty to some political prisoners by itself is a hollow and inadequate gesture. I join with the many Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and with Americans of Polish descent throughout the United States, in condemning the repressive policies of the Polish Government and its subversion of the legal system and in the hope that the people of Poland may one day be able to live in freedom without the fear of repression and persecution.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present during House proceedings on Tuesday, July 24, due to personal illness. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 307: Dannemeyer amendment to H.R. 5541 to reduce funding for the CPB for fiscal years 1987-89; "no."

Rollcall No. 308: Oxley amendment to H.R. 5541 to reduce funding for the CPB and the Public Telecommunications Facilities Program; "no."

Rollcall No. 309: Final passage of H.R. 5541, Public Broadcasting Amendments Act; "yea."

Rollcall No. 310: Final passage of H.R. 1580, Aviation Drug Trafficking Control Act; "yea."

Rollcall No. 311: Final passage of H.R. 5616, Credit Card and Computer Fraud Act; "yea."●

RECOVERY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, What I am saying tonight, and I think I might say by way of explanation, that ever since I came to the House of Representatives I looked upon this privilege of addressing the House after all legislative business and all hereinbefore entered into special orders had been completed, with the stated purpose and intent that this facility, this forum, was made available for that purpose. Therefore, I have never injected a partisan matter for I feel that is for the stump back home, not for the forum here.

Second, I address the House. I am not addressing an absent and invisible audience. I came here to this Congress 22½ years ago and had not been a Member 3 weeks before I made use of this, and certainly there was no thought then of having any kind of television coverage.

What I speak of, and I am impelled to do so because what I consider to be the continuing intense issue that is at the heart of the problem, it does not

do any good at this point to blame and find blame for the essential malady that is affecting us. I think what the American people, at least the constituents that I come in contact with, are interested in is: What are you going to do about it?

Of course, the big issue, as I have pointed out for several years, is the continuing acceptance of usurious rates of interest, unconscionable rates of interest, which cannot tolerate true progress in any economy. All the written history of mankind shows clearly that never has a society endured coexistent with usurious interest rates, the reason being that interest rates are the mechanism by which the wealth of a nation are transferred.

The Nation's economy is in fine fettle, we are told by the image-makers. And indeed there are more people at work—though there are still as many unemployed as there were 3 years ago. Inflation is running at a rate of only thrice what was once thought intolerable, so there is relative improvement on that score. But despite the rosy glow, there is no way that we could say that the country is enjoying a healthy economic recovery.

Consider interest rates. By any modern measure, interest rates should be about 3 percent above the rate of inflation. In other words, if this were an economy that anyone considered stable, or of the situation were one that could be considered strong by the usual experience, interest rates today should be at about 9 percent, or maybe less. And by any standard of decency, rates should be less than that. But for the sake of argument, a reasonable mind would conclude that today's conditions should result in interest rates of about 9 percent. But what is the fact? The fact is that the highest grade corporate bonds today are paying close to 14 percent—almost exactly the rate that prevailed in 1981, when the economy was going to hell in a handcart. Municipal bond rates today are at 11.14 percent and going up—just the same rate as prevailed in 1981, which was supposed to be the nadir of the Nation's despair. Treasury bonds, the 10-year variety, are also back at the 1981 level—having gone up by 2 percent since January. Home mortgage rates today are the same as they were in 1981. Where is the recovery in any of those figures? Nowhere.

The prevailing trend of high and rising interest rates can only spell trouble. It spells trouble for the Federal budget. Just before the recess, Congress completed action on its much-touted deficit reduction program. But every cent of that program will be consigned to just one thing: increased interest costs on the debt. That's right: for all the labor and all the rhetoric, the deficit will remain as high as ever, because higher interest costs are shoving debt service expenses through the roof. Already, in fact, one-third of all personal income taxes goes toward that one thing: interest on the debt. Rising interest rates are a disaster for the Federal budget, and therefore a great and growing problem for economic management as well.

Rising interest rates threaten the health of the Nation's savings and loan industry, which almost sank in the interest rate crunch of 1982. Last year, when rates moderated, savings and loan associations had a hard time—maybe a third of them lost money. The whole savings and loan industry last year had profits of less than AT&T's most recent quarter. And today, with rates going up, there is the familiar crunch—savings and loans have relatively low-earning assets, but must pay top dollar for deposits. With each notch upward in rates, the business gets weaker, and its ability to support home mortgage loans gets progressively worse.

We are experiencing the greatest number of bank failures ever. And the failures are bigger. Witness the downfall of Continental Illinois Bank—a giant so great that not even the biggest of the Nation's financial whales can swallow its carcass up. The taxpayers have already had to inject billions into that bank, and the Federal Deposit Insurance Corporation is likely to end up as its owner. The reason: In the deregulated, cutthroat world of financial services that we have today, and in the demented world of hot money, megabuck overnight deposits, banking has become a much more risky business. The volatility of interest rates contributes mightily to the problem of keeping a bank healthy and profitable, and many are not up to the task. And so we have more and more failures.

We have a situation in which the economy is volatile, not healthy. It is shaky, not strong. That is why interest rates are rising. It is also why stock prices are falling. And it is why everyone looks to the Fed, week after week, for a sign that the party may be over—a signal that would come in the form of higher interest rates.

Few are frightened at the moment. After all, there are more jobs around. There are new cars on the streets. But when you look behind the facade, you see real tension, real fear, and no genuine faith that the good times will last—just a kind of fond hope that things won't get worse. And if interest rates continue going up, there will not likely be any alarming, stupendous results. There will only be that long, slow slide downhill.

Despite the brave talk, we should be concerned. We should be concerned about a trade deficit that is stupendously bad, that robs us of millions of jobs. We should be concerned about conditions that keep a decent home out of reach of all but the most fortunate. We should be worried about interest rates that kill off small business, or any business that is sensitive to interest rate movements. We should be fearful of conditions that place the money market at higher real rates than existed 3 years ago—real rates that are the highest in history, rates that will produce pain and suffering and economic weakness. We do not have recovery on our hands. We have the makings of a very damaging economic wreck.

MISSING CHILDREN

The SPEAKER pro tempore [Mr. HARRISON]. Under a previous order of the House, the gentleman from Oklahoma [Mr. EDWARDS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Speaker, the remarks that have been made by the previous speakers tonight are important and address important concerns that face the people in this country, but we have other concerns that are not political, that transcend daily politics and that really speak to the soul of this country and to some things that we care a great deal about.

Last month, Mr. Speaker, I launched a project to use the televised proceedings of the House of Representatives to help find some of the 160,000 children who each year are reported kidnaped, either by strangers or by their own parents who do not have custody. At that time, I discussed the case of Charlotte June Kinsey of Oklahoma City, who was reported kidnaped from the State Fair of Oklahoma 3 years ago.

Since then, more than 60 of my House colleagues have agreed to deliver speeches on the House floor and to display the pictures of children who have been reported kidnaped from their districts. I am pleased that some of them are joining me today in this special order and hope that their efforts may help to locate these children.

Mr. Speaker, this is Cinda Leann Pallett. Cinda Leann Pallett is another one of the tens of thousands of children who have been kidnaped. She was reported missing from the State Fair of Oklahoma on September 26, 1981. She was then 13 years old. She was 5 feet tall, weighed 88 pounds, had

dark brown eyes and dark brown shoulder-length hair.

I would hope that if anyone has seen Cinda Leann Pallett or knows where she is would take the time to do so, they might call the Oklahoma City Police Department or call the police departments in their own cities to help locate another one of these missing children.

Mr. Speaker, since the problem of missing children came to national attention a few years ago, Congress has taken steps to help deal with it, and I just urge all of the people who watch these proceedings and who join us here in the House Chamber to join in this effort, because there is nothing more tragic than a child taken from its home.

Mr. Speaker, I would be glad to yield at this time. This is a bipartisan effort, people of all political and philosophical persuasions joining in this effort to locate these missing children. I would be glad to yield at this time to the gentlewoman from California, Mrs. BOXER.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Oklahoma for his excellent work and hard work on this crucial issue, and I want to tell him that if just one solid lead comes out of this presentation and the others that the gentleman will be organizing, we should do this indefinitely, absolutely.

This is the beautiful boyish face of Kevin Collins of San Francisco.

"Not knowing where he is; that's what leaves the deep, hollow feeling that can never be filled." These are the words of Mrs. Ann Collins, mother of Kevin Collins, age 10, missing since February 10, 1984. Kevin who is 4 feet, 10 inches tall, weighs 70 pounds, has brown hair and gray/green eyes, left for school on the morning of the 10th as usual. He had basketball practice after school; therefore, he was not expected home until 6:30 p.m. Kevin left the St. Agnes Church gym in the Haight-Ashbury section of San Francisco in my district at 6 p.m. to take the bus home. He was last seen at a bus stop, one block from the church.

That night, the police conducted an immediate search of the neighborhood. Later, scores of volunteers canvassed the area, going door to door and searching every inch of the surrounding parks and lots. These searches have yielded nothing. Not then, and not since, although every lead is checked. Even Kevin's picture on the cover of Newsweek has so far led to nothing, but we are still trying.

Kevin's mom and dad are daily volunteers at the Kevin Collins Foundation established to handle the calls that have now been reduced to a trickle. The foundation is pursuing legislative initiatives, mounting a publicity campaign to disseminate facts about missing children, and coordinating resources for reporting and locating missing children. Until this tragedy struck the Collins family, they did not realize that thousands of children are reported missing each year.

Although we in Congress have passed some legislation to assist parents and police to locate missing children, we must continue our efforts in order to alleviate the pain and suffering of families like the Collins. Kevin has eight brothers and sisters who miss him terribly. Today's program is an important step. If we are successful in finding just one child, our efforts have been worthwhile. Kevin could be anywhere. He could be in the East, the West, the South or the North. That is why this is so important. Again, I want to commend the gentleman from Oklahoma.

Anyone having any information about Kevin should contact the Kevin Collins Foundation at (415) 863-6333 or toll free (800) 272-0012.

Mr. EDWARDS of Oklahoma. I thank the gentlewoman from California. BARBARA BOXER is a Democrat and I am a Republican. This is one of those issues where we are all just Americans caring about our children. I appreciate your participation in this special order.

□ 1930

Mr. Speaker, I am going to try to go through this in the order in which the people came to the floor and I would like to yield to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I want to congratulate my colleague from Oklahoma for holding this special order on missing children. The tragedy that befalls thousands of children in America is horrifying. The very thought that more than 50,000 children in America are abducted by strangers and over 100,000 are snatched by noncustodial parents each year tears apart the fibers of the American family.

Congressman EDWARDS stands very tall in the well of the House tonight. His special order is not being used by Republicans to attack Democrats or by Democrats to attack Republicans. His special order is an attempt to reunite families in America which have been torn apart by the loss of a child.

In my opinion, this is one of the finest hours of Congress. We are here to do something very good. We are here to offer what help we can to bring back a son or daughter to their rightful parent. And we are here because our hearts tell us we must try.

Although we cannot physically hear the children's plea for help, nor see the tears they shed, or feel the fear they experience, we know we must do all we can to locate them and get them home.

Among the thousands of missing children is this 10-year-old boy of Sagle, ID. Jason Amini was abducted over 2 years ago while visiting California.

I received a letter from Jason's mother about 2 months ago concerning Jason. I would like to read a small portion of that letter:

> Somewhere in the world, I hope, is a ten-year-old boy, my son. I have not seen or heard from him in over two years. In spite of an intensive search, I have no clues as to his whereabouts. He is one of the thousands of children who disappear every year in the United States.

We contacted Jason's mother and informed her of this special order. We asked her permission to use Jason's case and she obviously agreed. In a followup letter to us she wrote:

> I know that you were not aware that my son was kidnaped by his father when you approached me concerning this opportunity, but I hope that that will not deter you from entering our case in this presentation. The number of serious parental kidnaping cases which occur each year is staggering and the effects of the child and on the family left behind are not benign. Parental kidnapers do not steal their children for love: it cannot be considered love to tear a child from his or her home, away from the custodial parent, grandparents and other loved ones, to move the child often, change the child's name, and often not be able to support the child while living outside the law. A great number of parental kidnapers have a history of child abuse. Even without physical abuse, this crime must be considered a subtle form of child abuse itself.
>
> People often ask me, "Don't you feel better knowing that your son is with his father and safe?" No. I only know that he was with his father over two years ago; I don't know if he is alive, if he is healthy, and I certainly don't know whether or not he is happy. I will probably never see him again.

Mr. Speaker, I do not think I have to say much more. Jason's mother has stated all that need to be said.

Jason Amini is now 10 years old. He has blond hair and light brown eyes, he speaks in an unusually low voice and has a very slight scar on his lower lip and the left side of his jaw. And as with most American young boys, he loves to build models.

There is a good possibility that Jason is somewhere in the Silicon Valley in California. His father has a background in computers and electronics which could mean he is working in one of the high-technology firms located in that valley. It is my hope, that someone somewhere will recognize this photo of Jason. If they do I would encourage them to immediately contact their local police authorities or to call the toll-free number of Child Find, Inc. That number is 1-800-431-5005. Child Find will then notify the proper authorities in Idaho.

Once again, let me thank my colleague, the gentleman from Oklahoma, tonight for taking out this most important special order and as my col-

league from California said earlier, if there is one lead or possibly if one child is found, all the time and all the effort we have put into this will make it certainly worthwhile.

Let me once again thank my colleague.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from Idaho.

This is a good time to interject this thought. The case the gentleman has just described is one of a young boy who was kidnaped by his own father. I think it is important for people to understand, just as this mother explained, that when a parent who does not have custody steals a child from the parent who does have custody, we can be talking about a very traumatic experience, not only for the parent who was supposed to have custody, but for the child as well.

In an attempt to try to do something about this tremendous number of parental child stealing cases across the country, I have introduced legislation, which is the only time in this little presentation that I will get into legislation, but I have introduced legislation which would permit Federal prosecution and 1- to 5-year prison sentences for those who snatch children away from a parent or spouse and who cross State lines for the purpose of evading court order custody decisions.

I think it is important that the Federal Government step in and make it a Federal crime because a child who is kidnaped by a parent is a child kidnaped and we ought to do something about it.

Mr. CRAIG. Mr. Speaker, will my colleague yield?

Mr. EDWARDS of Oklahoma. Certainly.

Mr. CRAIG. Let me applaud my colleague, not only for the introduction of that legislation, but for bringing up the very important and rather difficult kind of issue to balance in the mind. I think that Jason's mother came to that point when many of her friends said, "Well, but your son is safe. He is with his father."

She does not know that. The courts in their settlement decided that in this instance the mother was the rightful parent for this child to be with, that there were cooperative arrangements arrived at and while Jason was visiting his father in that cooperative arrangement, Jason's mother received a letter from the father saying, "You will not see your son any longer. I have decided to keep him," and that was the last Jason was heard from.

Those are difficult things to deal with but of course, the kind of legislation we are talking about, and we know that the courts are very flexible today, but they do recognize and they must recognize that one of those parents has to be the responsible and legal guardian of the child.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman.

I yield to our colleague, the gentleman from Ohio [Mr. DEWINE], who comes to the Congress with a background in law enforcement and who has personally dealt with matters like this in the past.

Mr. DEWINE. Mr. Speaker, I thank the gentleman very much.

I would also like to thank and congratulate my colleague and friend, the gentleman from Oklahoma, for this special order on what really is a national tragedy. We use the term "tragedy" sometimes lightly, but this is certainly a tragedy. I cannot think of anything that is more frightening to a parent than the thought of losing one of your children. There is just nothing that could be more scary to think about or nothing that could be more tragic than to have that happen.

I think we are on the right track in this country. This special order tonight is going to focus more public attention on this particular problem. The TV shows that have been on in the last few months also are going to contribute to that.

I would like to talk tonight also, as my colleague just has, about the situation where you have a parent, a natural parent who takes illegally a child and takes that child out of the State. There is a tendency I think for people to say, "Oh, well, that doesn't really fall in the same category as the child who has been abducted by a total stranger."

I would agree. It is different, but it is equally tragic and it is equally or can be equally tragic for that particular child.

□ 1940

Our courts are designed to adjudicate problems and in most States, I think probably every State, the law provides that when there is a divorce, when there is a custody problem, that the court is to take into consideration, No. 1, what is in the best interest of that child and after hearing all of the evidence the court does make a decision and chooses to put the custody of the child in one of the parents' hands, usually, almost inevitably allowing visitation with the other parent.

The tragedy is when a parent overrides that and a parent takes the law into his or her own hands and takes that child away, never to be seen again by the other parent. It is wrong. It is illegal. But it is also a tragedy for that child to deny that child the right to see his or her parent, which is clearly wrong and clearly a tragedy for that child.

We are told that approximately 85 percent of all of the missing children in this country are missing because they have been taken by a parent and taken out of the State.

I would like to talk tonight about a particular case, a case that came from Chillicothe, OH. That is not in my congressional district but the father does happen to live in my congressional district in Circleville. This is a picture of Bobbie Jo Steely. Bobbie Joe was taken from Chillicothe, we believe by her mother, on June 27, 1980. She has not been seen by her father since that time.

We believe and have reason to believe that she may be in southern Florida at this time. The description of her obviously cannot be complete because her father has not seen her for the last 3½ years. She was born on November 18, 1977. She has medium build, blonde, red-cast hair, blue eyes, fair complexion, white, is right handed and has no birthmarks or scars on her.

It is a tragedy that this child has been denied the right to see her natural father.

I would ask that anyone who is watching this who may know anything about the whereabouts of this child to please either call my congressional office or call her father. The telephone number is area code 614-474-5020. I will repeat that again. The father's name is Robin Steely. He lives in Circleville, OH. His telephone number is 614-474-5020. Or you can call your local law enforcement agency.

It is very important I think that this child know her father and that this child be granted the rights that a court gave, and that was that she would know her father and reside with her father.

I yield back to my colleague from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

Under the rules of the House I think we are supposed to speak only to our colleagues in the House, and I appreciate the fact that the colleagues in the House are looking so intently at these pictures and listening to this information. I would just, in case anybody is eavesdropping on what we are doing here, if anybody else around the country just happens to see what we are doing, that they will take seriously this effort to find these children and that they will make note of these phone numbers and what the children look like and if it is possible that they may know where one of these children is they will notify the local police or, in fact, even notify my office, Congressman MICKEY EDWARDS in Washington, and we will try to help.

Mr. LEWIS of Florida. Will the gentleman yield?

Mr. EDWARDS of Oklahoma. I now yield to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I can think of no more tragic commentary on our great Nation than its high

number of runaway and abducted children.

It speaks poorly of us all that we have allowed the moral fiber that our forefathers used as a foundation to establish this great country to slip to a point where we have bred a generation of unfeeling paranoids and schizophrenics who drive their children away or misfits who do ghastly, ugly things to our children.

Tragic is the only word that clearly depicts the brutal murder of 10-year-old Yolanda Santa who was last seen leaving the Palm View Elementary School in West Palm Beach with an unknown man posing as her uncle in the spring of 1983.

Tragic is the only word that clearly depicts the grief Yolanda's loving family will feel the rest of their lives, the grief that reached a gruesome climax last Friday when police positively identified the skeletal remains of a young girl still clutching her rosary beads as those of Yolanda Santa.

Tragic is the only word that clearly depicts the bizarre abduction and murder of Adam Walsh and the emptiness his loss brought to his mama an daddy, John and Reva.

Tragic is the only word that clearly depicts the loneliness and desperation Jeannie Luna will feel as long as she does not know what happened to her little girl, Christy, who disappeared without a trace in the little Palm Beach County town of Greenacres City in May.

We can't sit idly by and let this happen to our kids or to ourselves.

We are not helpless.

There are resources at our disposal.

Unfortunately these resources are not being used to their maximum capacity or efficiency.

In 1982, the Florida Department of Law Enforcement established its own statewide missing children information clearinghouse, the first of its kind initiated under a centralized law enforcement department to search for and locate missing children and provide education materials and expertise to protect children.

Since the inception of Florida's Missing Children Clearinghouse there has been and continues to be impressive communication and cooperation between law enforcement personnel, private organizations like Child Keyppers, educators, legislators, and parents.

I went to Florida's State Capitol in Tallahassee in May to take a first hand look at the magnificent work being done by the department of law enforcement through its missing children clearinghouse.

The clearinghouse maintains a central, computerized file on missing children for parents and local police.

Additionally Florida's clearinghouse provides the following vital services:

A directory of State resources such as hospitals, shelters, and private organizations that are available to help parents and local police;

A 24-hour, toll-free WATS line to handle all calls concerning missing children;

And the distribution of emergency flyers containing physical and situational descriptions of missing children.

Florida's program convinced me that statewide clearinghouses operated under the direction of a centralized law enforcement department are essential if we are to locate missing children and must be implemented in all States if we are to successfully combat this tragic problem.

The U.S. Justice Department recently opened its national center for missing and exploited children.

I fully support the existence of a national center but its success depends solely on how extensively State and local law enforcement official use it.

An important first step to coordinate the efforts now being undertaken at the national center is the establishment of State clearinghouses.

An information clearninghouse in every State would provide parents and local police with an invaluable resource, a complete communication loop, if you will.

A telecommunication loop that would allow police to pass information on missing children almost instantaneously throughout the Nation.

For these reason, for the future health and well-being of our country, but most of all, for the kids, I urge all my colleagues to join with me in supporting House Concurrent Resolution 301 which urges States to establish statewide missing children clearinghouses under centralized law enforcement agencies and H.R. 5826, which provides the financial means to do just that.

For the Yolanda Santas, the Adam Walshes, the Christy Lunas, and all the other children who have been or will be victimized, let all of us, politicians, policemen, businessmen, clergymen, teachers and parents join hands and do all we can to put an end to the horrifying tragedies that otherwise lie ahead for more American families.

□ 1950

One last thing to each and every one: If you notice someone acting strangely with a child, do not be afraid to summon a law enforcement officer or yourself ask the child if he or she is all right, because you may save the life of that child.

Mr. EDWARDS of Oklahoma, I thank you for having this special order and certainly appreciate the opportunity to have the time yielded to me to express my views on this.

Mr. EDWARDS of Oklahoma. I thank the gentleman for helping us. The gentleman stressed in his remarks the universality of this concern. I think it is something all of us feel strongly about regardless of philosophical considerations or anything else.

I thank the gentleman.

I now yield to a friend, from the Democratic side of the aisle, TOM HARKIN of Iowa.

Mr. HARKIN. I, too, want to thank my friend and colleague, the gentleman from Oklahoma [Mr. EDWARDS], for taking this time today for this special order and to echo the sentiments of those who have spoken before me that this is something that cuts across all ideological and party boundaries.

And when it comes to the missing children of this country we are neither Democrats nor Republicans, conservatives or liberals; we are concerned parents all, trying to find those children who have been abducted, who have been taken from one or more of their parents and never to be found again.

So again I want to congratulate my colleague from Oklahoma for taking this special order.

I want to follow up if I might, MICKEY, just for a minute on what Congressman LEWIS said. Like most parents, I guess I had never really thought much about a missing child until I saw the television on Adam Walsh and I guess what really struck me in watching that and in later talking to his father, John Walsh, was that his mother had left him for just a few minutes in a store at a place I guess where they play these little games and things and he had gone off, thinking "just a couple of minutes and I will be back," and it occurred to me that up to that time I had left my young daughter, now 8 years old, some times in a grocery store in a different aisle, taking my shopping cart and going down a different aisle thinking, "She is only two aisles down, that is no problem."

Maybe turning my back in a department store, not keeping my eyes on her and turning around and finding that I do not see her right away and perhaps she is someplace else and wandered off as little kids will do.

I can only say that after watching the program on Adam Walsh and talking to his parents, I will tell you, I do not go anywhere with my kids now; I have one who is 8 and one who is 2½; I keep my eyes on them constantly.

Just as Congressman LEWIS was saying, if you see someone acting strangely with children, do not be afraid to do something, to call a law enforcement officer, to call the store manager or to do something; don't be afraid to do that.

I would also maybe just expand on that one point further: When you take your children to a store, a grocery store, a department store, a shopping

center, do not let them out of your sight; do not ever let them out of your sight. You know how kids are. They see a gumball machine and they will take off for the gumball machine.

You might think, "It is only 20 or 30 feet away and I will go down this aisle and pick them up on the way back." In that split second, those 2 or 3 minutes, the same could happen that happened to Adam Walsh.

Mr. EDWARDS of Oklahoma. I think that is a very important point you are making, TOM. I know men and women who obviously would not think of leaving a shopping cart, for example, leaving a billfold or leaving their purse in the shopping cart, but who would routinely walk off an aisle or two away leaving their child in the cart, saying "Well, I have admonished my daughter or son not to talk to strangers." And you cannot count on that.

It is our responsibility as the parents to watch those children, not let them out of our sight. I think you are making a very good point.

Mr. HARKIN. It has such an effect on me. I know how my kids act.

Another thing, when your kids are with a babysitter, if your babysitter is taking them out for ice cream or maybe they are going to a movie or something like that, the best instruction you can give is: Never let them out of your sight, even for 10 seconds. Don't ever let them out of your sight. If you are in a movie theater, don't ever let those kids go to the bathroom by themselves, never. Always go with them; don't ever let them go to the bathroom by themselves, even if they are 10 or 12 years old, don't let that happen. Make sure you are with them at all times.

I just wanted to follow up on that point that Congressman LEWIS made. Last April, we established the National Center for Missing & Exploited Children which the gentleman mentioned in his opening remarks, with a grant from the Justice Department. It is too bad all of this had to happen before we came to the realization that we had to have something like this national center. Now it is underway and functioning.

Hopefully we can begin to cut down drastically on the number of missing children and we can begin to find those children who are missing from their homes. I want to take just a few minutes, if I may, Mr. EDWARDS, to talk about one specific child who has been missing from his parents now for nearly 23 months. This is a young child whose parents I have become acquainted with, gotten to know over the intervening months, parents I have worked with in my office to try to do all we can to help them find their missing child.

Let me briefly tell the story of how this one happened. You know when I delivered newspapers, when I was a kid, I will bet you did, too, MICKEY; you think your kid goes out in your neighborhood, your neighbors all know him, what possible hurt could come from a kid delivering newspapers?

Well on September 5, 1982, 12-year-old Johnny Gosch set out to deliver papers in his suburban neighborhood in West Des Moines, IA. It was a Sunday morning about a quarter to 6.

As he approached the corner, according to witnesses, he was stopped by a man in a blue car who asked the boy for directions. The man then sped away, made a U-turn, and returned to the corner and asked for directions again.

In front of two witnesses, Johnny Gosch said, "That guy is weird. I am leaving to finish my route and go home." As Johnny walked down the block, the man in the blue car flicked the ceiling light in his car on and off three times. At that precise moment, another man on foot came out from behind some trees and stopped Johnny Gosch. The second man then walked down the block, around the corner and out of sight. Moments later, two other paper boys approached from another direction and they saw Johnny slumped over his wagon as though he had been drugged or was sick. Then all the witnesses heard a car door slam and saw the blue car speed out of town. John David Gosch was gone by 6:05 a.m., only 20 minutes after he first left home.

Johnny Gosch, age 12, delivering his newspapers on a Sunday morning in his suburban neighborhood, has now been missing for 23 months.

Twenty-three months later, Johnny Gosch, now age 14, is still missing. Twenty-three months later, his parents, John and Noreen Gosch, are still selling candy bars and having garage sales to finance the long and painful search for their son; 23 months later, John and Noreen Gosch are educating Americans to be on the defense for their children. And 23 months later, Iowans are aware that children are being taken every day, snatched from their own backyards.

John and Noreen Gosch received three short phone calls that they believe were from their son on February 22, 1984. They hope and pray that he is still alive.

John David Gosch was born November 12, 1969. He is approximately 5 feet, 7 inches and weighs around 145 pounds. He has light brown hair and blue eyes. He also has freckles and a gap between his front teeth.

□ 2000

Now, John David Gosch was last seen with this man—who has been described and this is a composite picture drawn of different witnesses who have seen him—described as about 5 feet 9 inches in height, weighing somewhere in the neighborhood of 175 pounds. He has been described as having dark eyes and black hair which is combed straight back, in his middle age, about 40 years old. Probably has a mustache or a heavy complexion. He may be driving a two-tone blue car, dark on the top and light blue on the bottom, a rather later model car, 1979 to 1981 model car.

If you have any information, if anyone has any information, about John David Gosch's whereabouts, I would ask that they please call his parents, John and Noreen Gosch, at 515-225-7456 or the National Clearing House on Missing Children at 202-634-9821. If you cannot remember those numbers and you think you have found Johnny Gosch or you have seen the man that has been described as being around in that area that may have abducted him, if you cannot remember the numbers just call me, call Congressman TOM HARKIN, Washington, DC. The operator will put you through. And I will make sure that the Gosches get that information.

I might also say that due to the friends and neighbors of Johnny Gosch in Des Moines, the Help Find Johnny Gosch Fund has offered a $90,000 reward for his safe return and they have offered a $10,000 reward for information leading to his whereabouts.

So, again I ask if anyone should have information to please let us know the whereabouts of John David Gosch.

Again, I want to thank Congressman EDWARDS for taking this special order today. I think you are to be highly complimented for doing this. As Congresswoman BOXER said, if we just get the lead on one person, if we help one family find their missing child, you will have done a great service to this Nation.

Mr. EDWARDS of Oklahoma. I thank you, TOM.

We are in a political world and because we feel things very strongly, a lot of us spend time pointing fingers at each other about issues of a different kind. I think that it is important that we work together on these things where we do have very strong common interests.

As TOM pointed out, Mr. Speaker, in 1982, we passed into law the Missing Children Act which established a national clearinghouse for information using the FBI's crime information computer to assist law enforcement officials in finding missing children.

That measure allowed parents, for the first time, to contact the FBI directly to determine if a missing child is listed on the national computer system.

Recently the House passed the Missing Children's Assistance Act and we

have sent it on to the Senate now for its consideration. And that act, if approved by the Senate, would establish and maintain a national resource center for missing children, set up a toll-free telephone line where individuals may report information regarding the location of missing children or where children can call in, and provide $10 million a year for the next 3 years for grant assistance to public agencies or nonprofit organizations that work with missing children.

Last April, the National Center for Missing Children and Exploited Children was established on a $3.3 million grant from the Justice Department's Office of Juvenile Delinquency Prevention. That Center has the primary task of shoring up the volunteer groups and law enforcement agencies which are seeking to find missing children.

They have also agreed to serve as a source for information on missing children cases reported in the districts of the various Members of Congress.

As I mentioned earlier in an attempt to help stem this increasing number of parental child-stealing cases across the country, I have introduced legislation which would permit Federal prosecution and 1- to 5-year prison sentences for those who snatch children away from a parent or spouse and cross State lines for the purpose of evading a court-ordered custody decision.

Under current law the FBI cannot help find and return parental abductors unless that State has classified child stealing as a felony, and that is something that not all States have done.

So by making child stealing a Federal crime and providing stiff prison sentences, Congress can make it clear that the Federal Government stands ready and willing to protect the rights of not just the parent who has legal custody of the child, but the rights and welfare of the young victims as well.

Mr. Speaker, we have come a very long way since the problem of kidnaped children has surfaced. And we have taken some important steps to make it easier for children to be found by their parents. But we cannot afford to stop there. There are still things which can and must be done, such as the final passage of the Missing Children's Assistance Act.

But most important of all we must find the 160,000 children who have been kidnaped each year. I want to thank my 60 colleagues, Democrat and Republican, who in the future will be giving speeches about cases in their districts as my friends have here today. They are making a very important and valuable contribution to these efforts.

I thank them not just as a Member of Congress, but also as a parent. I am sure that millions of other parents around the country will appreciate their help as well.

Finally, remember, you can help if you know where Cinda Leann Pallett is, you can help by calling the police department in Oklahoma City or in your city. I know that Cinda's parents and the parents of all of the other children who have been reported missing will very much appreciate the help of all of you.

Mr. SILJANDER. Mr. Speaker, my heart was very much turned as I listened and watched on the television in the back of the cloakroom the photographs of so many young people who are missing.

The statistics imply even more than the pictures we saw here on the floor. The statistics imply that 1 million children a year are lost and of that million children a year, over 50,000, between 42,000 and 50,000, are never found again. Dividing that into 435 congressional districts that is nearly 100 children missing on the average in each congressional district. That really brings it close to home.

So many will say in war and wearing seatbelts, "I will never get shot in war," or "I will never get in an accident. I don't need to wear my seatbelt." That old attitude usually proves violently and unfortunately tragically wrong.

So often it does happen to us. So often it can happen to our loved ones.

I do not have children. I have not been blessed with children as yet, as I was married 7½ months ago. However, I have several nieces and nephews and loved ones and friends with little children. After listening to this special order I would just like to commend Congressman EDWARDS of Oklahoma wholeheartedly for his real courage and taking his time and the other Members who participated in this order to present those that they are concerned with who are missing and let people in this country know and the membership know that 100 missing, never to be found again, per congressional district, on the average, is a very, very startling statistic.

● Mr. HERTEL of Michigan. Mr. Speaker, "My child is missing" is perhaps the most devastating statement a parent can utter. Each year, this traumatic reality is faced by the parents of hundreds of thousands of children. When a child is reported missing, the whole family suffers. For the parents, there is the agony, the frustration, and the anxiety of not knowing the whereabouts and status of their child; for the child, there is a high probability of sexual exploitation, physical and emotional abuse, and in some cases death.

In 85 percent of the cases, the child is abducted by the noncustodial parent. Here, revenge replaces the emotional and physical well-being of the child as the primary motive. The child becomes a pawn in the custody battle between the warring parents. Studies indicate that 50 percent of the men and women who abduct their children have prior assault and child-abuse records. A majority are emotionally immature, incapable of providing the nurturance needed for healthy growth and development. The American Bar Association reports that 7 out of 10 children taken by a parent never see the other parent again. Yet these children are among the more fortunate; for the 20,000 to 50,000 youngsters snatched by strangers, the picture is much grimmer.

It is estimated that more than 3,000 missing children are murdered annually. Many are subjected to physical torture, prostitution, and pornography. Even for those who are freed, the emotional scars may take years to heal.

In Michigan, where there are currently 1,396 children reported missing, parental child snatching is a misdemeanor—punishable by as many as 45 days in jail and a $500 fine—if an adoptive or natural parent abducts a child under 14 for more than 24 hours from another parent or legal guardian who has court-ordered custody of the child or visitation rights. If the child is kidnaped and taken outside of Michigan, the adoptive or natural parent can be found guilty of a felony, which carries a 1-year maximum prison sentence and a $2,000 fine.

In principle, this law is a necessary deterrent to a tragic problem. However, in actual practice, it often falls short of accomplishing its goal: to return the child to the legal parent. According to Wayne County's Office of Appeals and Special Services, there are several problems involved in executing parental child abduction laws. First, due to case overload, police will not investigate a report of a missing child unless foul play is suspected or the child is under 12 years of age, especially if an ex-spouse is the kidnaper. Second, States do not have sufficient funds to cover the expenses of an extradition in cases where the parent has crossed State lines. In Michigan's Wayne County, for example, only $40,000 is allotted annually to handle all extraditions. The limitation of funds necessitates that a priority judgment be rendered. As a policy matter, Wayne County will only extradite in instances of first- and second-degree murder, first-, second-, and third-degree criminal sexual misconduct and armed robbery. It will not extradite in parental child abduction cases, since the penalty is too minor to be considered worthwhile.

While recent laws have increased the involvement of the Federal Government in locating the child, the State is left to pay the expenses of bringing the offender back to the State where the abduction occurred

for trial. Third, even if an extradition order is issued, the child is usually not released by local police. Rather, he is made a ward of the State to which he has been taken. Stiffer penalties and increased Federal funding are required if parental child snatching laws are to be effective.

Despite advances in missing children laws and investigative resources, the incidence of child abduction continues to rise. Increased preventive measures, awareness, and involvement by the public and private sectors are desperately needed. The Adam Walsh Child Resource Center, a nonprofit organization dedicated to protecting children, advocates the use of a password known only by the parent and child, fingerprinting of the child, presentation of a slide show, "Safety With Strangers", role playing of safety precautions in classrooms, and court monitoring of child molesting cases. I urge parents, teachers, law enforcers, and others interested in the well-being of our children to make use of the materials put out by the Adam Walsh Center.

Among the statistics cited here, only one is heartening: 40 percent of missing children are found through media publicity. It is my hope that our efforts today and our continued focus on missing children will result not only in the reuniting of abducted children and their families, but in a safer environment for American youth, as well. As John and Reva Walsh so poignantly stated, "The greatest resource of this country is our children. If you care about the future * * * please help us to help them."●

EQUAL ACCESS LEGISLATION

The SPEAKER pro tempore [Mr. HARRISON]. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, this topic was dealt with on the floor of the Congress not too many hours ago. It deals with the concept called equal access. Equal access deals also with children, but in a much happier light and a much more positive viewpoint, from their standpoint.

Equal access simply suggests that children in a school, students at a public institution, have a right, a constitutional right, to meet for philosophical, religious, or other type of activities in noninstructional times, such as clubs, language clubs, clubs of all types, from card clubs, and yes, now according to the equal access, religious groups as well.

I think it is very important that our young people not be denied their constitutional right to meet and to assemble during noninstructional times under their own initiative.

However, on the floor of the Congress there is often debate centered around the bill that it was not, in fact, needed, that this bill was unnecessary.

□ 2010

I think that bill is necessary. The bill is very important to America. The bill is crucial to continuing constitutional rights and civil rights for our young people.

I would like to point out some reasons why I believe that. And before I do, many of the Members watching in their offices may wonder, when the wide-angle lens is initiated, where is everyone? The Chambers are essentially vacant. I have stood on this floor many times explaining exactly why the Chambers are vacant. We are now on special order time. Special orders are typically after normal voting sessions of Congress. We are still officially in session, but most Members are in their offices, writing letters or at meetings. There are no more votes. Tonight, likely a lot of them are doing other types of duties or activities.

So why have special orders? Well, many of us feel somewhat frustrated, to be frank—and I will get to equal access, incidentally, but I think it is important that people realize why the Chamber is empty. I think the Members also realize the frustration that many of us feel. I am a Republican. I do not have afforded to me the forums and committees, subcommittees, or select committees to speak out our minds, our opinions on a host of issues, such as equal access, balanced budget amendments, voluntary prayer in school, the crime package, and so many other issues that we consider important to the American agenda. Since the Democrats control Congress, the Democrats have the chairmanships of all committees, subcommittees, and select committees, and since the Democrat leadership thereby chooses and determines thereby exactly what bills will or will not be brought up in committee, needless to say, the issues that some of us feel are very important to the American people are never addressed in committee, subcommittee, or select committee.

Then comes the floor. And again the same is true. The liberal Democrat leadership, for good or for worse, chooses not to bring up certain issues that we consider, some of us, important to the American agenda, for this country; 82 percent of the American people support a balanced budget amendment. And 65 times, 65 times we have stood on this floor asking the Democrat leadership to please bypass the committee with this amendment, which is dead in committee, and bring it to the floor for an honest vote and debate. The Republican leadership has allowed us to do that. The rules say that if both leaderships give an OK, any particular given bill may be brought to the floor for amendment, for debate, and for a vote. And 65 times we have been turned down by the Democrat leadership, and 65 times it has been approved for an honest debate, an open forum, so the American people can, through C-SPAN, and the Members, in their offices and on the floor, can participate and view the debate regarding issues such as the balanced budget tax limitation amendment.

So we are just frustrated, frankly, because there is not an opportunity for a forum. But according to a recent poll, C-SPAN is connected to 18 million households; 3½ people a month, according to further studies, view C-SPAN on a regular basis.

So while the Chambers are empty—and technically to the membership I am referring to; we are not allowed to speak to the C-SPAN audience—nonetheless, 3½ million people may be watching our special orders that we participate in day in, day out, to bring our agenda, what we consider the American agenda, the American people's agenda, to those membership that might be watching in their offices. And certainly I welcome any Member on the Republican or Democrat side to participate, to indulge in colloquy, if they so desire, after I finish presenting my case. And as you can well see, there is no one in the Chambers at this point in time, and it is 8:15 Washington time.

I was referring earlier to equal access. I was referring earlier to an issue that, thank goodness, passed Congress. Even though there were shenanigans in Congress, several weeks ago the issue was brought up, equal access. It was brought up under a special rule which requires not a simple majority vote, as it ought to and as most bills do, but required, rather, a two-thirds vote. So equal access, the opportunity for students at noninstructional times, at their own initiatives, to use public facilities for ideological or religious activities, was voted down.

We had far more than the majority, but not two-thirds of the vote, as required under the special order.

The Speaker of the House had the option of bringing it up under normal circumstances and under normal rules to allow a straight up or down majority vote, as every other issue ought to be brought up under a normal rule. But no, not this time, because it was not an item that the Democrat liberal leadership wanted. So, as a result, there was manipulation.

Well, they gave us a vote indeed. And, thank goodness, we even had a chance to speak on the issue for once. But again the shenanigans of the two-thirds vote defeated the equal access bill.

So back to committee it went. And then it required whom? It required Members of the Democrat Party

themselves, a minor rebellion of sorts, demanding that this bill be brought up once again, and it was, but guess what. The bill was brought up under the same old rule requiring another two-thirds vote, but his time the membership of this Congress—I give them credit for it—decided, in great wisdom, in my opinion, to pass equal access legislation, at least the amendment to the bill, and they passed it by an overwhelming number, over two-thirds vote this time.

So even with the shenanigans of the liberal Democrat leadership, it required their own internal rebellion and enough votes on both sides of the aisle to finally put into action, into a bill, equal access.

Now, as also alluded to earlier, many have suggested equal access is not really needed, that people have complete freedom, the students have complete freedom to meet presently and discuss religious activities if they so desire and this bill is unnecessary.

I would like, if I may, to point out several citings of court rulings and specific examples as to why equal access is important and why equal access is necessary.

There was a case in 1981 by the Supreme Court called Widmar against Vincent. In the Widmar against Vincent case, the Supreme Court ruled that students may in fact—and this is what the opponents of equal access point out to us—that students may in fact meet and congregate and talk about religion if they so desire. However, that ruling dealt only with college-level students and not secondary students in kindergarten through 12 schooling atmospheres and environments.

Later on, in Brandon against Guilderland Board of Education ruling in 1982, the Second Circuit Court of Appeals ruled a little bit differently and more specifically. They said: "* * * Even the mere appearance of a secular involvement in religious activities might indicate that the state has placed its imprimatur on a particular religious creed. The symbolic inference is too dangerous to permit * * *"

So what the Brandon against Guilderland Board of Education decision said, essentially, is that, while it is all right for college students to meet, it is not all right for high school students to meet.

And the same decision went on with their three reasons why it was decided that high school students should not meet for religious activity. They said, No. 1, that high school students are too immature and could be unduly influenced. No. 2, the court argued that teachers' presence and acting as supervisors inevitably would become involved in a particular activity. And, No. 3, that students might be required by compulsion to attend the particular function.

So based on this decision—and I think some reasonable criteria for why they decided what they did—it certainly makes it clear that students, by the court ruling, this court's ruling, makes it clear they cannot in fact meet as has been advocated on the floor of the Congress.

In Civil Liberties Union against Lubbock Independent School District (1982) the Fifth Circuit Court of Appeals ordered the school district to ban student groups meeting for religious purposes, such as prayer or Bible reading, even though the school had adopted a policy allowing students to form a wide range of campus organizations, such as, to be included with others, religious ones.

The court also stated that allowing voluntary student religious clubs was in and of itself aiding religion and "excessively entangling the State with religion," another ruling that makes it clear that school districts do not now have the option if they so desire locally to allow students in their own initiative, their own time, to meet and discuss the Bible, the Koran, the Torah, or whatever religious documents or religious theology they care to read or discuss at their own time in a public school.

In the early 1960's, the Supreme Court ruled two different rulings which I think are very pertinent to discussions dealing with equal access. The Engel against Vitale ruling in 1962 by the Supreme Court declared it unconstitutional for the Government to compose prayers or require public schools to recite prayers.

□ 2020

That is clear enough. In a second decision in 1963, Arbington School District against Shemp and Murray against Culette, said the Supreme Court again declared that reading of the Bible passages and to recite the Lord's Prayer in public school was also unconstitutional.

These decisions, whether you agree with them or not, have been made. These decisions, seemingly, with the debate on the floor earlier this day, in any event, make it very confusing to most school districts. Can we or can we not allow students to meet and talk about religion? There is a deep sense of confusion among school boards. Letters to our offices certainly indicate that. They want to be responsible. Local school boards want to abide by the law; they want to abide by decisions made by the courts, but they really are confused because we have many court decisions.

As I mentioned, one saying students may meet, others saying they may not meet and one meant college students, others meant high school students. Some say you can pray and some say you cannot. Some say you may not read the Bible and others say you may. It is very, very confusing and I do not blame anyone at the local level.

Many of us in Congress are lawyers; I am not. My chief of staff, however, is. I have asked him to study and look at this; he is a lawyer. Many of my colleagues who are lawyers who I have talked with cannot really give me a clear word if I were a school board president or a member of a school board ready to vote on whether or not we want to allow our students to meet if they want to. I would not know what to do legally, and they would not know what advice to give to me. If the lawyers cannot figure it out, I would certainly think, fellow colleagues, that I do not think most Americans could figure it out and certainly not this Member, MARK SILJANDER.

Students' rights are being violated, they are being violated in five areas: Freedom of excercise of religion is No. 1; No. 2, freedom of speech; No. 3, freedom of assembly; No. 4, freedom of a public forum; and, No. 5, constitutional equal protection principles. These are five specific areas where the present court rulings, in my opinion, have clearly left students in a very, very diabolically inferior position in terms of their constitutional rights that all peoples certainly have a right to benefit from.

Others say these are only specific examples of problems. They say you have only cited one or two. Allow me to finish my special order by citing some examples, further examples, specific local examples of problems in the confusion as I have outlined earlier, that these court rulings have led to in the grassroots. Then I would like to finish by explaining specifically what we passed, and try to address some of the questions about the Ku Klux Klan and the Moonies coming to the schools. All this emotional rhetoric that we have heard in my opinion, is outlandish.

Now to the examples: According to the assistant superintendent in the Boulder, CO, schools, a group of two or more may not sit together for the purpose of spiritual or religious discussion. That is a little bit extreme, is it not? Colorado's Jefferson County School District is considering a policy that would put an end to any baccalaureate services or any school function if there is a prayer at that service.

In Indianapolis, IN, students are not allowed to get into a car or be picked up at the end of the schoolday by a youth pastor or by a worker. In Philadelphia, several students were reprimanded because they discussed their faith, shared a booklet with Bible verses in it with other students. In Minnesota, a fourth-grade student was reprimanded by her supervisor for bowing her head and praying before her meal. A fourth-grade student. They say that equal access is unneces-

sary. In Philadelphia a teacher was told to remove the wreath from his classroom door because it represented Christmas, and that is religious. In the Denver area, at a high school, three teachers were warned that their jobs may be in danger if they participated in a Bible study activity even if it was at night and held off campus. Now, that is pretty extreme in anyone's book, in any mainstream moderate American's viewpoint of the world, I am sure.

A teacher in the Boulder schools was reprimanded for handing out private invitations to a Christmas party because the invitations contained the word Christmas, and the policy of the school is to refer to the season simply as winter holidays. We are getting a little bit extreme.

Last, in Cincinnati, a principal issued a statement that it is illegal to even mention God, even mention God in the public schools. Now, ladies and gentlemen, it certainly seems ridiculous that in the public schools a student could not at least mention the word "God," but up at this podium each and every day before session begins and so much so in the Supreme Court and equally so in the Senate, the day begins with a prayer. The day begins with a prayer. And lo and behold, the name of God and many other prophets including Moses, whose picture is facing me on the wall of the Chamber, are mentioned in this taxpayer-funded establishment in edifice.

So, yes, indeed, clarity is needed. The equal access bill is important, and this equal access bill, as watered down as I think it is, is at least a compromise. It is at least, and I thank God, a step in the right direction. The equal access amendment that passed today in the House says very simply that any students who wish to conduct a meeting within the limit of an open forum, which means an open environment, on the basis of religious, political, or philosophical, or the content of the speech at such meetings, is legal. That is all it says.

If those words are too confusing, it is very simple. It just says that students that want to gather and talk about philosophy may do so legally in public schools. Students that wish to gather and talk about politics like we do here every day, they may legally do so as well. And, yes, if students so determine they wish to talk about religion of any kind, the students may do so as well.

Let me emphasize according to the amendment that was passed today, this is only during noninstructional times, when school is not normally in session. Before school, after school, or when school is on break. Is this so radical? Is this so unfounded; is this so rightwing to simply suggest that students may have free access during noninstructional times to talk about philosophy, politics, or religion? I think not. I do not think the average American really believes that allowing public school facilities to be used as such is unreasonable.

The bill even goes on to clarify this and make things so succinct and so clear that any rational-minded person could hardly think anything but supporting this bill. It says that schools shall be deemed to offer fair opportunity to students who wish to conduct a meeting within this limited open forum if such school uniformly provides that.

Now, understand, this is very important, five points: No. 1, that the meeting is voluntary student initiated. It must be voluntary. It must be student initiated; it cannot be done by teachers or deans or principals or parents or outsiders, it must be students, and they must initiate it and it must be voluntary, if they want to meet after school or before school.

No. 2, there can be no sponsorship of the meeting by anyone except for the students themselves. So the accusation of, oh, the Ku Klux Klan and the Moonies, they are going to raid our schools and be selling flowers and burning crosses in the halls is a vicious distortion of what this bill and what this amendment does.

Students will not burn crosses. You cannot have a member of the KKK or the Moonies hold a forum; that is not what the bill says. It must be student related. No sponsorship.

□ 2030

In fact, point 3 says that employees or agents of the school or Government that are present at a religious meeting can only be there in a nonparticipatory capacity. They cannot even participate if they happen to be in the room or the area.

The fourth point: If the meeting does not materially and substantially interfere with the orderly conduct and educational activities within the school. So you cannot have Moonies rushing in and crosses being burned in the halls. Even if the students were Moonies, even if the students were KKK members, they cannot disrupt the orderly process of the educational institution.

Is that not clear enough?

And the fifth point: Nonschool persons may not direct, conduct, control, or regularly attend the activities of student groups. Now, then, how can all these fanatical groups and cults, as we have heard on this floor, that made my stomach turn, all this emotional oratory, how in the world can these cults come in with this clear language that sets up very clear barriers and parameters by which this bill would take effect?

"Nothing in this title," it says in the bill, "shall be construed to authorize the United States or any State or any political subdivision," meaning local school districts, "to influence the form or content of any prayer or religious activity." So the school cannot influence a prayer. The school cannot write a prayer. If the students want to meet at their own initiative in a noninstructional time, they can formulate their own prayers, but no one else or subdivision can have a State-decided or State-written prayer. That is not allowed under the bill.

No. 2: To require any person to participate in prayer or religious activity. No one is required or forced or overly encouraged or undue pressure can be applied to a student to participate in a prayer during noninstructional time with groups of other students in the educational institution.

Keep in mind, we are not talking about voluntary school prayer in this issue. This is just equal access for students to use facilities for religious, political, or philosophical discussions. That is all. And in the context of those discussions, if the students decide they want to pray, then they cannot be mandated.

I mentioned several court rulings that said, "Oh, we cannot have equal access because students will be forced to pray and the State could formulate prayers, or the local school board or the teacher, or there could be undue influence on these young, impressionable minds," as the court ruled, but that is not so. It is not so in this bill.

This clarifies and makes specific that the school and the institutions, the Government, may not do any of those specific citings that I have mentioned.

They cannot extend public funds beyond the incidental cost of providing the space for student-initiated meetings. So the school cannot take their money to fund buying Bibles, or Torahs or Korans. That is not allowed.

They cannot compel any school or agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee. So the school cannot force teachers or administrators or deans or principals or the janitors or anyone to participate, to attend or in any way involve themselves in this after-school activity.

They cannot sanction meetings that are otherwise unlawful, like burning of crosses by the KKK, or the Moonies selling flowers in the halls, the same old rhetoric we have heard all day.

And last, they cannot limit the right of groups of students which are not a specified numerical size or to abridge the constitutional rights of any person.

How much more clear does one need to be to explain the details of simply allowing, not prayer in school, but equal access of students to our taxpaid edifices and facilities across the country.

The other argument is, "Oh, but what if a school district decides if this amendment is passed," which it did pass today and likely will go through the entire legislative process within the next several weeks, I am very optimistic of that, "What if a school district decides not to allow students to meet at noninstructional times on their own initiation? Will we cut off Federal funds to schools or to the community or to the county or to the State?"

No; it says that nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school. It says so right there in the bill.

So what is the due process? All it does is say that if you are a student or a club or a group and you want to meet to talk about philosophy, politics or religion, and you are denied that equal access, we simply give that student or that group of students due process, legal due process, to take their concerns through the judicial system. The same if you are discriminated against as an adult, as a white, as a black, as a Hispanic, as an Asian. If you are discriminated against, the present law allows you to take that person or group or agency or institution that discriminated against you to court—the same thing.

I hope this special order makes abundantly clear that this legislation, the equal access bill, the amendment that, thank God, passed today by an overwhelmingly majority of votes, is so balanced that the membership bent over backward to make sure that every concern by the courts and concerns by many Members of Congress about the misuse or abuse of utilizing school public facilities by students will not be abused.

I am just thrilled to say that this bill was successful and will be successful, and for the first time that I know of, students soon will have the right to meet, to discuss, to deliberate political, philosophical, and theologically religious views if they want to before or after school or during any time the school is not in official session.

It is a step in the right direction. Does it answer the hopes of those who want to allow voluntary prayer in public schools? It does not. It does not. However, it certainly is a victory for many of the millions of Americans across the country who have been praying, who have been writing letters to their House and Senate Members, pleading with them, "If you will not pass prayer in school, voluntary prayer, then please at least allow our students to meet and talk and discuss without any undue influence or pressure," and we have done exactly that.

So, my colleagues, I appreciate the time that you have taken, those of you who are in your offices listening, because as many of us can see, there is no one else on the floor. A lot of people might be wondering, who have tuned in, the Members in their offices, "Well, where is everyone?" I alluded to this earlier in my presentation and will repeat it one more time before closing out my special order.

As a Republican, as someone who believes in the American Opportunities Society view of the world versus the old liberal society, liberal welfare society, views of the past, our views are not heard in committees because the Democrat leadership runs the committees. Our views are not heard on the floor during normal sessions because they run all bills and decide what will or will not come up, and they determine how long the debate in fact will be.

The other element is, is it not interesting that the wide-angle lens is used to try to embarrass some of us? I am not embarrassed a bit. I know that C-SPAN is hooked up to 18 million households. That is certainly more Super Bowls full of people than I could ever hope to speak to. I am not embarrassed at all because I know there is hypocrisy behind it, because when we began talking about the American agenda, about a balanced budget amendment, about voluntary school prayer, about equal access, about the crime package, about so many issues on special orders, our only forum as those who believe in American opportunity, our only time to discuss the issues without being gaveled out of order, this is our only forum we have, special orders, when normal business is completed, when most Members are gone, doing their thing elsewhere, and for good reason, because there will not be any more votes.

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But the House is still technically in session.

Why is there a wide-angle lens only on special orders? Why? Because most of us are the ones that tend to dominate special orders. The intention in my opinion was to embarrass those of us in front of the many millions that are watching C-SPAN, to embarrass us, to make it look like we are talking to virtually no one, but we are talking to many millions of people and those in their offices that are listening to C-SPAN, the Members themselves.

I ask one last question. Why if the wide-angle lens is used for our special orders, why is it not used gavel to gavel throughout the day? Why not have the wide-angle lens during normal session hours when we do vote and we are in active debate?

Well, I will tell you why in my opinion, because the House Chamber looks about the same. The House Chamber looks about the same because there are committee functions. We are at meetings and hearings and we can watch it again on our own television in our offices.

I think there should be uncensored C-SPAN. That is my opinion. That is the opinion of the American Opportunities Society. As part of their organization, I am excited to support total openness of C-SPAN, gavel to gavel, allow the cameras, wide angle, tight angle, whatever they desire, gavel to gavel. Let us not just limit it to when we happen to be speaking.

Sure, they do it with Democrats, that is true, if Democrats are speaking on special orders, but how many do speak on special orders? Very few; so the object is to embarrass one or two Democrats and embarrass dozens of Republicans, especially considering the hours that we take versus what the Democrats take—I should say the liberal Democrats that believe in the liberal welfare society, that we in the American Opportunities Society have been fighting and trying to change the course of America with a new vision of the country, a new vision of opportunity for our futures.

So I am just closing to suggest that I hope the membership will agree and support the resolution of the Republican Caucus that says from gavel to gavel there should be open, uncensored opportunity for all the C-SPAN cameras to show exactly what is happening during normal business hours and during votes. Do not blank the screen out during votes to show how many votes. Superimpose that over with the wide-angle lens to show exactly what happens during the votes.

I am sure the 18 million households that are hooked up to C-SPAN knows and would be very fascinated to see exactly what happens on this floor during votes, to see the arm twisting and to see the chaos and the beehives that disappear. Maybe then there could be more order instilled in the House if we knew that the wide-angle lens could be on us any time gavel to gavel.

So we as the Republican party, we as the American Opportunities Society, believe in uncensored, open, free press, and C-SPAN which has a great effect as a great educational tool for 18 million potential households should not be censored, should be open to all people, should be allowed to go wide-angle lens from gavel to gavel, not just during the times that Republicans tend to have special orders for the most part, to try to embarrass us.

I thank the Speaker very much for the time and the opportunity to share my viewpoint and use this forum in a special order to talk about equal access, missing children and, yes, fairness in terms of the usage of the C-SPAN cameras in this House Chamber.

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 Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, on August 1.

Mr. SILJANDER, for 60 minutes, on August 2.

(The following Members (at the request of Mr. COLEMAN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 30 minutes, on July 26.

Mr. MCHUGH, for 60 minutes, on July 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSON of Florida, prior to the vote on titles I through VII of the Senate amendment to H.R. 1310.

Mr. MORRISON of Connecticut, to revise and extend immediately prior to vote on conference report.

(The following Members (at the request of Mrs. MARTIN of Illinois) and to include extraneous matter:)

Mr. YOUNG of Florida in four instances.

Mr. GREEN.

Mr. RITTER.

Mr. SMITH of New Jersey.

Mr. DICKINSON.

Mr. BEREUTER.

Mr. GEKAS.

Ms. SNOWE.

Mr. COURTER.

Mr. SCHULZE.

Mr. MCKERNAN.

Mr. FIELDS.

Mr. MCCAIN.

(The following Members (at the request of Mr. COLEMAN of Texas) and to include extraneous matter:)

Mr. HAMILTON.

Mr. SKELTON.

Mrs. BOXER in two instances.

Mr. HOWARD.

Mr. FUQUA.

Mr. SMITH of Florida.

Mr. DASCHLE in five instances.

Mr. ROYBAL.

Mrs. LLOYD.

Mr. YATRON.

Mr. ORTIZ.

Mr. ROE.

Mr. RODINO.

Mr. GORE in two instances.

Mr. HARRISON.

Mr. MOODY.

Mr. LEVINE of California.

Mr. TORRES.

Mrs. SCHROEDER.

Mr. KOSTMAYER.

Mr. CORRADA.

Mr. FRANK.

Mr. MORRISON of Connecticut.

ADJOURNMENT

Mr. SILJANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, July 26, 1984, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ADVANCE TRIP FOR DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND APR. 2, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James C Healey, Jr.	3/23	3/24	Spain	11,392	75.00					11,392	75.00
	3/24	3/26	Kenya	2,027.30	150.00		513.05			2,027.30	150.00
	3/26	3/28	Greece	15,267	150.00					15,267	150.00
	3/28	3/30	Austria	3,803.6	202.00					3,803.6	202.00
	3/30	3/31	Ireland	144	170.00					144	170.00
	3/31	4/2	Spain	22,125	150.00						
Commercial air carrier							2,864.66				
Committee total							3,377.71				897.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES C. HEALEY, JR., May 4, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ICELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 8, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brooks, J.	4/6	4/8	Iceland	9091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Brady, J.J.	4/6	4/8	Iceland	9,091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Abbruzzese, P.A.	4/6	4/8	Iceland	9,091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Committee total				81,825.30	936.00		10,102.00				11,038.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. BROOKS, May 3, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE SOVIET UNION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 21, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon Patricia Schroeder	4/14	4/16	West Germany		158.00						
	4/16	4/20	Soviet Union		150.00						
Hon. Mary Rose Oakar	4/15	4/16	West Germany		158.00						
	4/16	4/22	Soviet Union		250.00						
Mildred Vinicor	4/15	4/16	West Germany		158.00						
	4/16	4/22	Soviet Union		250.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAT SCHROEDER, May 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 29, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas P. O'Neill, Jr.	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/21	Greece	11,147	108.00	9,666.60	90.12	13,375	127.60	34,188.60	325.82
	4/21	4/25	Germany	625.68	237.00					625.68	237.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Dan Rostenkowski	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Silvio Conte	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joseph Minish	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joseph McDade	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
Military air transport (round trip)							[3] 4,674.00				
Jack Edwards	4/14	4/16	Spain	22,590	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,966.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
Military air transport (round trip)							[3] 4,674.00				
J. Kenneth Robinson	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Charles B. Rangel	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Marty Russo	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865.00	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
George Miller	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865.00	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591.00	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							[4] 5,328.30				
Tony Coelho	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Kirk O'Donnell	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/22	Greece	22,294	216.00	9,666.60	90.12	13,375	127.60	45,335.60	433.72
	4/22	4/25	Germany	417.12	158.00					417.12	158.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
James C. Healey, Jr.	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 29, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military air transport (round trip)							4,491.00				
Dr. Freeman Cary	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/21	Greece	11,147	108.00	9,666.60	90.12	13,375	127.60	34,188.60	325.82
	4/21	4/25	Germany	625.68	237.00					625.68	237.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Mary-Alyce Jones	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Virginia Fletcher	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Charles Wollerton	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Michelle Tessier	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Donn Anderson	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joe Donoghue	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Harold Sawyer											
Military air transport							[5] 923.00				
Committee total					32,372.00		112,682.70		9,826.00		217,675.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes cost of commercial air travel from Vienna, Austria to Washington.
[4] Includes cost of commercial air travel from New York to Tenerife, Spain.
[5] Ireland to Washington.

Note: This report has been delayed because of difficulties in receiving expenditure information from the U.S. embassies in the countries the delegation visited.

THOMAS P. O'NEILL, JR., June 27, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HONDURAS, PANAMA, AND COLOMBIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 26 AND MAY 1, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bill Alexander	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Ralph Regula	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/29	Panama		150.00		(3)		(3)		150.00
Commercial air transportation							720.00	(3)	(3)		720.00
Military Air Transportation							2,897.60				2,897.60
Wyche Fowler	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Steve Skardon	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Brent Budansky	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Dorothy Thomas	4/26	4/28	Honduras		192.00		(3)		(3)		192.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Connie Jones	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Bill Johnstone	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Richard Pena	4/26	4/28	Honduras		192.00		(3)		(3)		192.00
	4/28	4/30	Panama		150.00		(3)		(3)		150.00
	4/30	5/1	Colombia	16,393.30	172.00		(3)		(3)		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amounts unavailable from State Department. They will be included in a following report.

BILL ALEXANDER, July 24, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MADONNA KOLBENSCHLAG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 26, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kolbenschlag, Madonna	5/22	5/26	El Salvador				668.12		179.00		847.12
									100.00		100.00
Committee total							668.12		279.00		947.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARY ROSE OAKAR, May 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. E. LEVITAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND MAY 28, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Levitas, E.	5/26	5/29	France		285.00						285.00
Commercial transportation							1,466.00				1,466.00
Committee total					285.00						1,751.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELLIOTT H. LEVITAS, June 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. R. GARCIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND MAY 29, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Garcia, R.	5/28	5/29	Norway		118.00						118.00
Military transportation							1,322.84				1,322.84
Committee total											1,440.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT GARCIA, June 14, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JACK RUSS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 10, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Russ, Jack	6/2	6/5	France		492.00						492.00
	6/5	6/10	Israel		500.00		1,609.00				2,109.00
Committee total					992.0		1,609.00				2,601.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK RUSS, June 14, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3788. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notification of a proposed new record system submitted by the Department of the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3789. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the annual report on the number of waivers granted to refugees under the provisions of the Immigration and Nationality Act for fiscal year 1984, pursuant to INA, section 207(c)(3) (94 Stat. 103); to the Committee on the Judiciary.

3790. A letter from the Administrator of Veterans Affairs, Veterans' Administration, transmitting a report on the activities of the Veterans' Administration for the fiscal year ending September 30, 1983, pursuant to 38 U.S.C. 214, 221(c), 1521 and 4001(c)(3); to the Committee on Veterans' Affairs.

3791. A letter from the Secretaries of Agriculture and of the Interior, transmitting the biennial report on the administration of the Wild Free-Roaming Horse and Burro Act, pursuant to Public Law 92-195, section 11 (90 Stat. 2775); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5540. A bill to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such Tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes; with an amendment (Rept. No. 98-904). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5873. A bill to amend chapter 93 (relating to public officers and employees) of title 18 of the United States Code to forbid the recording by Federal officers and employees of telephone conversations without the consent of all parties to such conversations (Rept. No. 98-905). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5846. A bill to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; with an amendment (Rept. No. 98-906). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5919. A bill to amend title 18 of the United States Code with regard to the admissibility of business records located in foreign nations, and for other purposes; with amendments (Rept. No. 98-907). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5910. A bill to amend chapter 87 of title 18, United States Code, to improve provisions imposing criminal penalties for contraband and riots in Federal prisons; with an amendment (Rept. No. 98-908). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia H.R. 5951. A bill to change the appointment process for judges of District of Columbia courts, and for other purposes; with an amendment (Rept. No. 98-909). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 6007. A bill to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes with amendments (Rept. No. 98-910). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONABLE:

H.R. 6019. A bill to amend title II of the Social Security Act to eliminate the 3-percent trigger for cost-of-living increases in benefits under the Old-Age, Survivors, and Disability Insurance Program; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 6020. A bill to prohibit use of amounts from the Presidential election campaign fund for foreign travel and to limit receipt of foreign gifts by candidates for Federal office and their campaign staff members; to the Committee on House Administration.

By Mr. ARCHER (for himself, Mr. AUCOIN, Mrs. BOXER, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, and Mr. WOLF):

H.R. 6021. A bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 6022. A bill to authorize the Secretary of the Interior to make available the Pick-Sloan Missouri Basin program pumping power to the Hilltop Irrigation District and the Gray Goose Irrigation District; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 6023. A bill to amend the Trade Act of 1974 to renew the authority for the operation of the generalized system of preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 6024. A bill to strengthen the statutory protection provided to owners of registered U.S. patents, trademarks, and copyrights, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. MINISH:

H.R. 6025. A bill to amend title 31, United States Code, to improve enforcement provisions relating to records and reports on monetary instruments transactions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. SNOWE:

H.R. 6026. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework in the knitted outerwear industry, and for other purposes; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.J. Res. 628. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. RITTER (for himself, Mr. AKAKA, Mr. ALEXANDER, Mr. BADHAM, Mr. BONER of Tennessee, Mr. LELAND, Mr. LENT, Mr. NELSON of Florida, Mr. REID, Mr. ROTH, Mr. RUSSO, Ms. SNOWE, Mr. TALLON, Mrs. VUCANOVICH, Mr. YOUNG of Missouri, Mr. ADDABBO, Mr. ANDERSON, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BEVILL, Mr. BILIRAKIS, Mrs. BOGGS, Mrs. BOXER, Mr. BRITT, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPIE, Mr. CHENEY, Mr. CLARKE, Mrs. COLLINS, Mr. CORCORAN, Mr. CORRADA, Mr. D'AMOURS, Mr. DANIEL, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DE LUGO, Mr. DERRICK, Mr. DUNCAN,

Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. ERDREICH, Mr. FAUNTROY, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. GILMAN, Mr. GORE, Mr. GREGG, Mrs. HALL of Indiana, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. HATCHER, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. JEFFORDS, Ms. KAPTUR, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEWIS of California, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. LOWERY of California, Mr. LUJAN, Mr. LUNGREN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURTHA, Mr. NATCHER, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OLIN, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. PARRIS, Mr. PEPPER, Mr. RAHALL, Mr. REGULA, Mr. RICHARDSON, Mr. RIDGE, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROSTENKOWSKI, Mr. SAWYER, Mr. SCHEUER, Mr. SHELBY, Mr. SILJANDER, Mr. SIMON, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SPRATT, Mr. STAGGERS, Mr. STANGELAND, Mr. STOKES, Mr. SUNDQUIST, Mr. SUNIA, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of California, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WALKER, Mr. WEBER, Mr. WOLF, Mr. WON PAT, Mr. YATRON, Mr. DYSON, Mr. LAFALCE, Mr. QUILLEN, Mr. VANDER JAGT, and Mr. CONTE):

H.J. Res. 629. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week" to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 559; considered and agreed to.

By Mr. SCHEUER (for himself, Mr. UDALL, Mr. FLORIO, Mr. WAXMAN, Mr. D'AMOURS, Mr. WIRTH, Mr. GORE, Mr. KASTENMEIER, Ms. MIKULSKI, Mr. SCHUMER, Mr. MOAKLEY, Mr. DORGAN, Mr. MARTINEZ, Mr. OBERSTAR, Mr. FOWLER, Mr. FAZIO, and Mr. MRAZEK):

H. Res. 555. Resolution expressing the sense of the House of Representatives that it disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere and that the President should withdraw her appointment to that position; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

452. By the SPEAKER: Memorial of the Senate of the State of Illinois, relative to the Joliet Arsenal; to the Committee on Armed Services.

453. Also, memorial of the Legislature of the State of California, relative to cable television; to the Committee on Energy and Commerce.

454. Also, memorial of the Senate of the State of Illinois, relative to National POW/MIA Recognition Day; to the Committee on Foreign Affairs.

455. Also, memorial of the General Assembly of the State of Maryland, relative to the Washington Metropolitan Area Transit Authority Compact; to the Committee on the Judiciary.

456. Also, memorial of the General Assembly of the State of Maryland, relative to the Susquehanna River Basin Compact; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 991: Mr. HOWARD.

H.R. 1517: Mr. LOWRY of Washington, Mr. BROWN of California, and Mr. MCCURDY.

H.R. 1797: Mr. CONYERS.

H.R. 1981: Mr. YOUNG of Florida.

H.R. 2126: Mr. BIAGGI, Mr. REID, and Mr. CARR.

H.R. 2127: Mr. BIAGGI, Mr. MARKEY, and Mr. REID.

H.R. 2568: Mr. OWENS and Mr. FORD of Michigan.

H.R. 4112: Mr. RATCHFORD, Mrs. BOXER, Mr. MINETA, Mr. BEDELL, and Mr. OWENS.

H.R. 4478: Mr. STENHOLM, Mr. DE LA GARZA, Mr. STUMP, Mr. Gramm, Mr. HOPKINS, Mr. SAM B. HALL, JR., Mr. PICKLE, Mr. SILJANDER, Mr. KAZEN, Mr. VANDERGRIFF, Mr. ROSE, Mr. WHITLEY, Mr. NOWAK, Mr. COLEMAN of Texas, Mr. ORTIZ, Mr. DINGELL, Mr. FIEDLER, Mr. DANNEMEYER, Mr. HYDE, Mr. SHUMWAY, Mr. COATS, Ms. SNOWE, Mr. BROYHILL, Mr. RITTER, Mr. OTTINGER, Mr. WATKINS, Mr. BROOMFIELD, Mr. GREGG, Mr. MILLER of California, Mr. LOEFFLER, Mr. MOLINARI, Mr. FISH, Mr. MCKERNAN, Mr. BREAUX, Mr. WILSON, Mr. SLATTERY, Mr. STRATTON, Mr. WYDEN, Mr. BROWN of California, Mr. JONES of North Carolina, Mrs. KENNELLY, Mrs. JOHNSON, Mr. FRANK, Mr. HUBBARD, Mr. JONES of Tennessee, Mr. HUCKABY, Mr. GINGRICH, Mr. DOWDY of Mississippi, Mr. NATCHER, Mr. LEWIS of California, Mr. PATMAN, Mr. LAGOMARSINO, Mr. GORE, Mr. ENGLISH, Mr. RAHALL, Mr. HANCE, Mr. SISISKY, Mr. MCCURDY, Mr. COYNE, Mr. SIMON, Mr. GIBBONS, Mr. BROOKS, Mr. ANNUNZIO, Mrs. BURTON of California, Mr. SHARP, Mr. HIGHTOWER, Mr. JONES of Oklahoma, Mr. DAVIS, Mr. PETRI, Mr. TAYLOR, Mr. LATTA, Mr. JENKINS, Mr. BARNARD, Mr. LUKEN, Mr. CHANDLER, Mr. PATTERSON, Mr. MCEWEN, Mr. HATCHER, Mrs. BOXER, Mr. VOLKMER, Mr. SYNAR, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. HANSEN of Utah, Mr. COELHO, Mr. LEATH of Texas, Mr. GEJDENSON, Mr. MCNULTY, Mr. HEFNER, Mr. WRIGHT, Mr. BATEMAN, Mr. FUQUA, Mrs. LLOYD, Mr. CHAPPELL, Mr. SUNDQUIST, Mr. ANDERSON, Mr. LUNDINE, Mr. MATSUI, Mr. DANIEL, Mr. HUTTO, Mr. RUSSO, Mr. LONG of Louisiana, Mr. FAZIO, Mr. WIRTH, Mr. RICHARDSON, Mr. LONG of Maryland, Mr. IRELAND, Mr. FIELDS, Mr. BARTLETT, Mr. KRAMER, Mr. SKEEN, Mr. SEIBERLING, Mr. STANGELAND, Mr. KEMP, Mr. LUJAN, and Mr. MILLER of Ohio.

H.R. 4512: Mr. MCNULTY.

H.R. 4571: Mr. APPLEGATE and Mr. FIELDS.

H.R. 4594: Mr. GORE.

H.R. 4966: Mr. JACOBS.

H.R. 5006: Mr. SILJANDER and Mr. MOLLOHAN.

H.R. 5017: Mr. ACKERMAN, Mr. BARNES, Mr. BEILENSON, Mr. ECKART, Mr. FAZIO, Mr. FROST, Mr. GUARINI, Mr. KOSTMAYER, Mr. MATSUI, Mr. MCNULTY, Mr. MINETA, Mr. RAHALL, Mr. RICHARDSON, Mr. ROE, and Mr. SWIFT.

H.R. 5166: Mr. WEISS, Mr. JEFFORDS, Mr. CROCKETT, and Mr. STAGGERS.

H.R. 5370: Mr. CONYERS, Mr. RIDGE, and Mrs. HOLT.

H.R. 5423: Mr. LUKEN.

H.R. 5446: Mr. MORRISON of Connecticut and Mr. MARTIN of North Carolina.

H.R. 5581: Mr. MITCHELL, Mr. FAZIO, Mr. CONYERS, Mr. FISH, and Mr. MAVROULES.

H.R. 5608: Mr. PRICE and Mr. KOSTMAYER.

H.R. 5627: Mr. SOLARZ.

H.R. 5704: Mr. HIGHTOWER, Mr. FRANK, Mr. OWENS, Ms. MIKULSKI, Mrs. HALL of Indiana, and Mr. MRAZEK.

H.R. 5754: Mr. RATCHFORD.

H.R. 5874: Mr. MITCHELL, Mr. WILLIAMS of Ohio, and Mr. CONYERS.

H.R. 5937: Mr. SCHEUER, Mr. DYMALLY, and Mr. CONYERS.

H.R. 5981: Mr. WHEAT, Mr. YATES, Mr. OWENS, Mr. FRANK, Mr. SIMON, Mr. STARK, Mr. MINETA, and Mr. STOKES.

H.J. Res. 239: Mr. ADDABBO, Mr. ROE, Mr. MRAZEK, and Mr. SOLARZ.

H.J. Res. 247: Mr. DAUB and Mr. MCCOLLUM.

H.J. Res. 491: Mr. FROST and Mr. GINGRICH.

H.J. Res. 496: Mr. CHAPPIE, Mr. NIELSON of Utah, Mr. LAGOMARSINO, Mr. DENNY SMITH, Mr. HUTTO, Mr. VANDER JAGT, Mr. SILJANDER, and Mr. SENSENBRENNER.

H.J. Res. 512: Mr. AUCOIN, Mr. GILMAN, Mr. DYSON, Mrs. BOXER, Mr. UDALL, Mrs. BURTON of California, and Mr. MOODY.

H.J. Res. 554: Mr. LOEFFLER, Mr. GORE, Mr. HUCKABY, Mr. SIMON, Mr. OXLEY, Mr. THOMAS of Georgia, Mr. BERMAN, Mr. ORTIZ, Mr. WHITTAKER, Mr. ANDREWS of Texas, Mr. FOGLIETTA, Mr. ADDABBO, Mr. SHANNON, Mr. RODINO, Mr. SUNIA, Mr. HUGHES, Mr. WIRTH, Mr. HERTEL of Michigan, Mr. NEAL, Mr. CARR, Mr. LEHMAN of Florida, Mr. BEREUTER, Mr. MCKERNAN, Mr. KEMP, Mr. PEPPER, Mrs. HOLT, Mr. YATES, Mr. BENNETT, Mr. SYNAR, Mr. BREAUX, Mr. BONER of Tennessee, Mr. ERDREICH, Mr. BURTON of Indiana, Mr. FLORIO, Mr. STARK, Mr. UDALL, Mr. HEFTEL of Hawaii, Mrs. JOHNSON, and Mr. OBERSTAR.

H.J. Res 599: Mr. MARTINEZ, Mr. WON PAT, Mr. HUGHES, Mr. MCHUGH, Mr. HORTON, Mr. LEVINE of California, Mr. FRENZEL, Mr. RITTER, Mr. WAXMAN, Mr. LANTOS, Mr. MRAZEK, Mr. SIMON, Ms. KAPTUR, Mr. SOLARZ, Mr. HYDE, Mr. FISH, Mr. BARNES, Mr. CARNEY, and Mr. MAVROULES.

H.J. Res 606: Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BEDELL, Mr. BERMAN, Mr. BRITT, Mr. CLINGER, Mr. DICKINSON, Mr. FORD of Tennessee, Mr. FRANKLIN, Mr. HORTON, Mr. HUGHES, Mr. LENT, Mrs. LLOYD, Mr. MCNULTY, Mr. MATSUI, Mr. O'BRIEN, Mr. OWENS, Mr. RICHARDSON, Mr. SCHEUER, Mr. SKELTON, Mr. DENNY SMITH, Mr. TORRES, Mr. WHEAT, and Mr. WISE.

H.J. Res. 609: Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BADHAM, Mr. BEDELL, Mr. BEVILL, Mr. DARDEN, Mr. DAUB, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. GEPHARDT, Mr. GREEN, Mr. HORTON, Mr. HUGHES, Mr. KOLTER, Mr. MARKEY, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MAVROULES, Mr. MINETA, and Mr. OWENS.

H. Con. Res. 260: Mr. PHILIP M. CRANE, Mr. BURTON of Indiana, Mr. CARPER, Mr. OTTINGER, Mr. TOWNS, and Mr. MATSUI.

H. Con. Res. 311: Mr. FIELDS, Mr. MOLLOHAN, Mr. SOLOMON, Mr. STANGELAND, Mr. RUDD, Mr. TRAXLER, Mr. DICKINSON, Mr. BLILEY, and Mr. GRAMM.

H. Con. Res. 322: Mr. BLILEY.

H. Con. Res. 333: Mr. NEAL, Mr. MINETA, Mrs. MARTIN of Illinois, Mr. BATEMAN, Mr. SOLOMON, and Mr. CONTE.

H. Res. 119: Mr. WEISS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

399. The SPEAKER presented a petition of the Southern Baptist Convention, Nashville, TN, relative to the appointment of a U.S. Ambassador to the Vatican; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under a clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11

By Mr. ACKERMAN:

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Ministry of Universal Wisdom.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Universarium Foundation.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Star Light Fellowship.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Brotherhood of the Seven Rays.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Mark-Age.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Adamski Group.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Tree of Life.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Awakening.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Native American Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Neo-American Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of All Nations.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Original Pentecostal Church of God.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Church of God With Signs Following.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The 1 Percenters.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to National Renaissance Party.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The American Nazi Party.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Klu Klux Klan.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Ancient Amethystine Order.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Order of the Red.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Arising Sun IFO's.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New-Age People.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Spiritualist Church.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Last Day Messengers.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cosmic Circle of Fellowship.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cosmic Star temple.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Unarius—Science of Life.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Solar Light Center.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Aetherius Society.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Understanding, Inc.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to White Star.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Order of Osirus.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Alantion Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to First Wiccan Church of Minnesota.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to American Order of the Brotherhood of Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Witches International Craft Associates.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Dianic Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New York Coven of Welsh Traditionalist Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Delphic Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Wyccan Rede.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cymry Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Hollywood Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New England Coven of Welsh Traditional Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Afro-American Vodoun.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Religious Order of Witchcraft.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Yoruba Religion.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Holy Order of Briget.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Wicca.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Circle.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Open Goddess.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Reformed Orthodox Order of the Golden Dawn.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Georgian Wicca.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Wicca of Bakersfield.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Algard Wicca.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Alexandrians.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Gardnerian Witchcraft.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Christian Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Christian Ministries.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to World Christian Liberation Front.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Covenant Apostolic Order.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Children of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Thee Satanic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Thee Satanic Orthodox Church of Nethilum Rite.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Order of the Black Ram.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ordo Templi Satanas.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Satanic Brotherhood.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Satanic Church of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Brotherhood of the Ram.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ophite Satanas.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Our Lady of Endor Coven.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Congregation of Set.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ordo Tempi Astarte.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Aphrodite.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Astral Coven.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to ESP Laboratory.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mental Science Institute.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Seax-Wicca.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Foundation Faith of the Millennium Institutue for Cosmic Wisdom.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Unification Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Institute of Ability.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Scientology.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Temple Christian Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hare Krishna.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Self Realization Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Harvest House Ministries.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Avalon.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Voice of Elijah, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Way Biblical Research Center.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Shiva Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Psychedelic Venus Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Sabaean Religious Order of Am'n.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Runic Society.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Teutonic Temple.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Viking Brotherhood.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lady Sara's Coven.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Congregation of Aten.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pristine Egyptian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Eternal Source.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Delphic Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Druids of North America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Nemeton.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Neo-Dianic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Uranus Temple.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pagan Way.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of All Worlds.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Dancers of the Sacred Circle.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fellowship of Hesperides.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fereferia.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fraternity of the Goat.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Temple of Set.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Discordian Society.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Old Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Universal Christian International Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Christian Apostlic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Renovated Church of Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Moncado Foundation of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Protestant Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Southern Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Stolin Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Monastritsh Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lubavitch Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Sighet Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Satmar Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bratslav Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Christ Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Orthodox Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Traditional Christian Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Catholic Church In America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Old Roman Catholic Church, II.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Evangelical Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Roman Catholic Church in the U.S.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Catholic Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Christian Church of the United States and Canada.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Universal Brotherhood.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Missionaries of the New Truth.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Grace Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Grace Christian Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mazdaznan Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Metropolitan Community Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Brotherhood of Peace and Tranquility.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Humanity Benefactor Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Institute of Applied Relition.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ecumenical Institute.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church for the Fellowship of All People.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Church of Berkeley.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of What's Happening Now.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assembly of Christian Crusade.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fellowship of Christian Men.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Catholic Church (Syro-Antiochean).

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish National Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish Old Catholic Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Christ Orthodox Catholic Exarchate of Americas and Eastern Hemisphere.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Gospel Church, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bethel Temple.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Neverdies.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Christian Church of North America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Anchor Bay Evangelistic Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The General Assembly and Church of the First Born.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Gospel of the Kingdom Churches Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Elim Missionary Assemblies.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Seventh Day Pentecostal Church of the Living God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assemblies of the Lord Jesus Christ, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Association Brotherhood of Christians.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Ministerial Association, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church of Jesus.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hall Deliverance Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mita Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Kathryn Kuhlman Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to First Deliverance Church of Atlanta

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to First Revival Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Miracle Revival Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Leroy Jenkins Evangelistic Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Independent Assemblies of God, International.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assemblies of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Full Gospel Evangelical Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God in Christ, Congregational.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bethel Ministerial Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to God's House of Prayer for All Nations, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Apostolic Gospel Church of Jesus Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Pentecostal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Bethel Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bible Way Church of Our Lord Jesus Christ World Wide, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of the Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Our Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Overcoming Holy Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Jesus Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church of Jesus Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Assemblies of the World.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Church of Zion.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Church of God of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lamb of God Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Pentecostal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Filipino Assemblies of the First Born.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Open Bible Standard Churches, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Church of the Foursquare Gospel.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Independent Assemblies of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Free Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Omniune Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Life Science Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hilltop House Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Crown of Life Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Church—Community of the Love of Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Gay Synagogues.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Episcopal Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Eucharistic Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Miracle Life Revival, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Deliverance Churches.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Full Gospel Fellowship Churches and Ministries International.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Fundamental Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Indian Evangelical Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Byelorussian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Autocephalous Slavonic Orthodox Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Finnish Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Estonian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Turkish Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to African Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Divine Life Society.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Integral Yoga Institute.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to True World Order.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Old Believers.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Molokans.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hellenic Church of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Albanian Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bulgarian Eastern Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Romanian Orthodox Church of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Serbian Orthodox Church in the U.S.A.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Macedonian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Anglican Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Protestant Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Russian Church Outside of Russia.

(Amendment to H.R. 5151, as reported.)

By Mr. MORRISON of Connecticut:

Page 8, after line 5, insert the following new paragraph:

(3) in the eighth sentence, by striking out "exclusive of special diets," in clause (A) and inserting "including any additional expenses resulting from physician-prescribed special dietary programs," in lieu thereof.

Page 8, after line 5, insert the following new paragraph:

(3) in the eighth sentence, by striking out "$35 a month" in clause (A) and inserting "5 per centum of household income" in lieu thereof.

Page 3, after line 9, insert the following new section:

PREPARED MEALS FOR THE ELDERLY AND DISABLED

SEC. 102. Section 3(g) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)) is amended by striking out "contract with the appropriate agency of the State to offer meals for such persons at concessional prices" in clause (3) and inserting in lieu thereof "offer meals to such persons at low or concessional prices under such terms and conditions as may be prescribed by the Secretary."

Redesignate sections 102 through 115 as sections 103 through 116.

Page 3, after line 9, insert the following new section:

DEFINITION OF HOUSEHOLD

SEC. 102. Section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by striking out ", if the income (as determined under section 5(d) of the others, excluding the spouse, does not exceed the poverty line, as described in section 5(c)(1), by more than 65 per centum" in the second sentence.

Redesignate sections 102 through 115 as sections 103 through 116.

Page 3, after line 9, insert the following new section:

OUTREACH FOR HOUSEHOLDS WITH ELDERLY, DISABLED OR YOUNG MEMBERS

SEC. 102. Section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)) is amended by inserting after the word "activities" in subparagraph (A) the following: ", except those activities directed at households that include at least one member who is elderly or disabled or under six years of age,".

Redesignate sections 102 through 115 as sections 103 through 116.