

1. Implementing language; 2. Relevant; 3. Relevant; 4. Relevant.

Conrad:

1. Exemption for recessionary periods.

Kerry:

1. Motion to commit Budget Committee; 2. Exemption for economic recession.

Hollings:

1. Relevant.

Dashle:

1. Relevant; 2. Relevant.

Feinstein:

1. Substitute amendment.

Byrd:

1. Increase taxes by majority vote; 2. Increase debt by majority vote; 3. President to submit an alternative budget; 4. Waiver for war by majority vote; 5. Effective date of 2000; 6. Strike reliance on estimates; 7. Increase revenues by 3/5's vote of both houses; 8. Increase tax revenues by 3/5's vote of both houses; 9. Relevant.

Nunn:

1. National economic emergencies; 2. Judicial powers.

Dorgan:

1. Motion to refer regarding C.B.O. appointment.

Pryor:

1. Relevant.

Dole:

1. Five motions.

Daschle:

1. Three motions.

CLOTURE MOTION VOTES VITIATED

Mr. DOLE. Mr. President, I ask that the two cloture votes scheduled for Wednesday, February 22, be vitiated.

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

MORNING BUSINESS

INDIAN EDUCATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from consideration of S. 377, a bill relating to Indian education and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 377) to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed and the motion to reconsider be laid upon the table.

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

So the bill (S. 377) was deemed read the third time and passed, as follows:

S. 377

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

SECTION 1. TECHNICAL AMENDMENT.

Section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (as added by section 101 of the Improving America's

Schools Act of 1994 (Public Law 103-382)) is amended by striking "and" and inserting "or".

S. 377

Mr. McCAIN. Mr. President, S. 377 is a technical corrections bill in its truest form. S. 377 would amend section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965. S. 377 would amend section 9112(a)(1)(A), otherwise referred to as the Indian Education Act, by striking the word "and" and inserting the word "or." This technical change would correct an oversight that occurred during the conference of the bill.

Last Congress, the Committee on Indian Affairs received testimony from both Indian educators and tribal organizations on proposals for the reauthorization of the Indian Education Act. These proposals were integrated into the Improving America's School Act of 1994. Among these proposals was a program providing formula grants to schools enrolling Indian children.

During the House and Senate conference regarding this particular section of the act, discussions ensued on whether a minimum of 10 or 20 Indian children would be required in order to be eligible for these programs. The House bill would have required that a school have at least 20 Indian children or that the Indian children make up at least 25 percent of the student body of the school. The Senate bill would have required that a school have a minimum of 10 Indian children or that Indian children make up 25 percent of the student body of the school. The House and Senate Conferees agreed upon the Senate version which required a minimum of 10 Indian students or that Indian students make up 25 percent of the school's enrollment.

The congressional intent behind section 9112 clearly supports the enactment of this technical amendment. The House and Senate debate on this section only contemplated the number of Indian children that would be required for funding pursuant to this section. The conferees did not debate over the conjunction "or." The side-by-side analysis used by both the Senate and House conferees supports this point. However, an apparent error occurred in the redrafting process of the conference approved bill. The drafters inadvertently substituted the word "and" for "or." As a result, the law currently states that "in order for a school to be eligible for an Indian Education Act formula grant, it must have 10 eligible students and have 25 percent of its student population eligible for the program." among these proposals.

This minor oversight will have major ramifications in the education of American Indian and Alaska Native children. The current language unnecessarily restricts a schools eligibility for grant funding by requiring schools to meet both criteria. Consequently, the existing language will result in the

disqualification of many schools that serve American Indian and Alaska Native children. The Department of Education is in the process of promulgating regulations which do not accurately reflect the true intent of the Congress. Therefore, it is imperative that this amendment be promptly enacted to clarify and fulfill the true intent of the act, to improve schools for all Americans, including Indians and Alaska Natives.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO CHEMICAL AND BIOLOGICAL WEAPONS— MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the *Federal Register* and transmits to the Congress a notice of its continuation.

On November 14, 1994, I issued Executive Order No. 12938, which revoked and superseded Executive Order No. 12735. As I described in the report transmitting Executive Order No. 12938, the new Executive order consolidates the functions of Executive Order No. 12735, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery. The new Executive order continued in effect any rules, regulations, orders, licenses, or other forms of administrative action taken under the authority of Executive Order No. 12735.