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## Senate

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, we praise You for Your providential care through the years of our blessed history as a people. Thank You that this Senate exemplifies that patriotism has not gone out of style. Our commitment to You is expressed in love and loyalty for our land. The sight of our flag still stirs our dedication, the national anthem fires our blood, and the Constitution keeps us rooted and grounded in truth. May we never forget the sacrifice of those who have fought and died for the American dream; may we never become so self-serving that we side-step the cost of courageous leadership.

Lord, empower the women and men of this Senate as they seek to keep their eyes on You and what ultimately is best for our Nation. Guide and direct the leadership of Senators DOLE and DASCHLE as they seek ways for both parties to work toward creative solutions to the crucial issues before them today.

Bless the President and First Lady of our land, the House of Representatives, the Justices, and all who seek Your guidance in the government of the cities and States across our country. God, bless America. We trust in You. Blessed be the name of the Lord. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. THOMAS. Thank you, Mr. President.

### SCHEDULE

Mr. THOMAS. Mr. President, this morning, the time for the two leaders has been reserved and there will be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each.

At 10:30, the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill and the pending amendments thereto. Rollcall votes are, therefore, expected throughout the day today. Also, the Senate will stand in recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

### MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Senator from Wyoming is recognized to speak for up to 30 minutes.

### SPENDING AND REVENUES

Mr. THOMAS. Mr. President, let me say that the 30 minutes has been reserved for Members of the freshman class to take some time, and that will be divided among several of us.

We want to talk a little bit this morning about the future—the future for America, the future for Americans, and the future as it pertains to spending and spending limitations in this Government. More specifically, where will we be in the year 2000 if we continue to do as we have done over the past number of years? Where will we be at the beginning of the next millennium unless we make some changes in the direction that we are going?

The question before us, I think, as Americans and American taxpayers and American citizens, is, unless we make some changes, unless we set some priorities for ourselves now and do something about spending, will we have any options at the year 2000? Will we be able to set priorities for ourselves or, in fact, will our priorities be set by the bond market? Will our priorities be set simply by the financial condition of this country? So that is what we want to talk about.

There is nothing that can be more important to us than how we enter the new millennium with opportunities for people to be successful, with opportunities for people to earn a living for their families, and to have the American dream as we dreamed it in the past. And that is what we are talking about.

We are talking about spending and what has happened to spending over the last number of years and, frankly, the momentum to continue spending as it has been. And if that does continue, then by the year 2000, we will not have options. All of our money will be spent for Social Security, for interest on the debt, for defense.

One indication of where we have been is that the interest on the debt as part of our budget has soared from \$14 billion a year 25 years ago—in 1970, \$14 billion—to now \$234 billion; on interest alone, \$234 billion, which is more than the Government spent in 1970.

So this, it seems to me, is what we need to be prepared for. We need to take a look at where we are and where we are going. And we have a great opportunity to do that.

Unfortunately, the administration is resisting change and is seeking to extend the programs that we have had over the last 25 years, the last 30 years, seeking to extend and fund programs like the welfare program, which has been a failure. The poverty program

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



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has been a failure. There are more people in poverty now than there were when we began.

So the choice is basically to continue what we have been doing and resist change or to take the opportunity to take a look at the things we are doing and really examine them.

It seems to me it is an exciting opportunity in this Congress. It is an exciting opportunity for the House and the Senate to examine programs and say, "Here's what we have been doing. How does it work? How does it impact the people that need it?" To take a look at it and say, "Are there better ways to deliver services?"

No one is talking about discontinuing services. Nobody is talking about hungry children. The people who are for change, I submit, have equally as much compassion for people in need as those who resist change. We have a great opportunity to see: Is there a better way for us to deliver services?

What we really ought to do is measure what we have been doing against the principles that we all agree on, and that is that welfare programs and Social Security programs ought to be designed to help get people off welfare, to help people get back into the marketplace, to get back into an opportunity for self-esteem and self-sustenance, to reduce the dependency that has developed in this country and give people the opportunity to have jobs and be in the workplace; to provide incentives not only for people to work and to take care of themselves and their families, but incentives for business to invest to provide those jobs.

Now is a great opportunity for us to change some of the measurements of success, the measurement of welfare, not how many people you cover. The measurement of welfare is how many people you help to get off of welfare. And that is what we are talking about here.

It is unfortunate, I think, that the White House has apparently determined their approach to the next election by fear tactics of saying each time we take a look at changing some program, that somehow everyone is going to be thrown out in the cold. That is not true. That is not true. We are looking for better ways to deliver services.

I think it would be a shame, Mr. President, to pass up the opportunity that we have now. Americans voted for change in 1994, not for reckless change, but for fundamental change. They voted for fiscal responsibility.

Let me show you this chart, just as an example of what we are doing. Everyone has to have a chart here. We do not want to be without a chart. In any event, this shows spending and revenues over time from 1974 to 1980 to the year 2000. Look at the difference. All of this will be taken up in three categories and there will not be an opportunity for educational grants, there will not be an opportunity for training for work because there will not be money for that.

Now we can make the changes. Now we can make changes to do it and that is what it is all about, Mr. President. That is why we are on the floor this morning.

I want to share this time with a number of Senators who have worked very hard in this area.

The Senator from Arizona worked in the House and has been the author of a number of bills to make some fundamental changes to move us in what I believe to be the right direction.

I yield to the Senator from Arizona for 6 minutes.

#### CONSEQUENCES OF LACK OF FISCAL DISCIPLINE

Mr. KYL. Mr. President, I thank my colleague for yielding. I think my colleague from Wyoming makes an excellent point that I would like to speak to, and that is the issue of the balanced budget, of getting rid of our Federal budget deficit and balancing the budget has more than an economic dimension to it. It is really a matter of the future of our children and grandchildren, it is a matter of right and wrong and what we ought to be doing as a society.

Bill Bennett, who is the former Secretary of Education, testified before the Senate Budget Committee recently, and he said this:

We have created a nanny state that takes too much from us in order to do too much for us. This has created inefficiency, sapped individual responsibility and intruded on personal liberty.

Mr. President, that, as much as the economic consequences of our lack of fiscal discipline, is what this debate about balancing the Federal budget is all about. The bigger the Government gets, the more taxes it needs. The more revenue it takes, the less American families are able to provide for themselves, and that brings dependency on the Government. And the cycle continues: More spending, more taxes, a weaker economy, and ultimately more dependency on the Government.

The net result of that is a change in the personality of America, literally. Our welfare state has created a dependency by the people who have not found a way to get off welfare because of the kinds of incentives that have been built into the program over the years.

One of the things that the Republicans in the House and the Senate are trying to do is to change the welfare state to end this cycle of dependency. It is more than an economic matter. We are literally trying to give people a hand up rather than a handout to end the dependency, to enable them to provide for themselves.

The great debate in the House of Representatives in the next couple of days is whether we can modestly reduce some taxes at the same time that we are balancing the Federal budget. Of course, the answer is yes. If we have the discipline, we can both get to a balanced budget in 7 years and make some modest changes in the Tax Code. Here is the reason why we need to do it.

The chart behind us shows in the bars the level of Federal spending, and it

shows a green line running in about 19, 19.5 percent of the gross national product which represents revenues from 1970 through the year 2030.

We have had several tax rate increases during that period of time. Has it produced more revenue? No. The economy adjusts. When tax rates go up, people adjust their behavior accordingly. Likewise, when we have reduced taxes, has it reduced revenues to the Federal Treasury? No. As a percent of the gross national product, as you can see on that green line, revenues remain constant. Now that is in a growing economy.

So despite the fact that the economy is growing larger, revenues to the Treasury are keeping up when you reduce taxes, and that is one of the reasons that we want to reduce the taxes, both on capital gains so that people can sell assets that they have been holding but do not want to pay 28 percent tax on the profit they make on that—profit which is largely generated by inflation, by the way, so it is not real profit at all—and why we are interested in the \$500 tax credit for children. That helps to restore the balance in who does the spending.

One of our colleagues was here yesterday talking about cuts in education, and I made the point that we are not talking about cuts in spending on education. What we are talking about is who does the spending. Who do you think can do a better job of making decisions on how to spend money on our children, a Federal bureaucrat in Washington or the family of that child? We say leave the money with the family that earned it. They will make smarter decisions about what to spend on that child.

So, Mr. President, my point is this: There is more to this than just the pure economics of it, than the dollars and cents of it. That is critical. It is very important. But there is more to it than that. It is fundamentally what our society is all about. We are trying to reduce the power, the authority, the intrusiveness of the Federal Government into our lives.

We are trying to restore power to the States and local governments and to the families. One way we do that is by giving the Federal Government less money to spend and by limiting the growth in that spending to the revenues that we take in.

The other way we do it is by not just limiting how much money the Federal Government takes in, but by actually reducing it through selected tax cuts. I think it is very important, as the House of Representatives will do in the next 3 days, as they will pass these reductions in taxes, it is very important for the U.S. Senate to follow suit, to follow what the House of Representatives does. We do not necessarily have to cut exactly the same taxes and the same amount. But it is important that we begin to put this Government on a diet, and the way to do that is begin to ratchet down the amount of money

that the Government takes from the workers of our Nation, from the families of our Nation, and leave that money with them to make the decisions on how best to spend it.

Mr. President, Members of the freshman Republican class are going to be conducting these conversations every week throughout this entire year, I suspect even beyond that, to try to make the point that we just heard from the voters out there, we heard what was on their minds. We listened, and I am still hearing the same thing: They want us to reduce the power and the size and the expense of the Federal Government. And we freshmen Republicans are committed to that.

Thank you, Mr. President.

Mr. THOMAS. Mr. President, the Senator from Minnesota brings that message from the recent election as well.

I yield 5 minutes to the Senator from Minnesota.

#### THE DEFICIT LOCKBOX

Mr. GRAMS. Mr. President, I rise today to dispell a misconception that has become popular in Washington—the idea that tax cuts cannot go hand in hand with deficit reduction.

There are some who suggest that the massive deficit we have today is due to the tax-cutting policies of the 1980's.

What they ignore is the fact that during the 1980's, the number of jobs increased, the amount of taxable income increased, and as a result, tax revenues increased—all due to the Reagan tax cuts.

What did not happen were the spending cuts promised by Congress but never delivered.

In fact, spending during the 1980's increased significantly more than the increase in revenue, leading directly to the deficit we face today.

This year we are on the verge of making the same mistake, but in the opposite direction.

This time, Congress may pass spending cuts without providing the tax relief we promised the American people.

One of the worst ideas I have heard during the budget debate, and frankly, it came from a member of my own party, was the idea of a deficit lockbox to stall enactment of the \$500 per-child tax credit.

Under the lockbox proposal, the tax cuts promised by Congress would be repealed if Congress fails to meet specific deficit targets.

In other words, if Congress were to act as irresponsibly in the future as it has in the past, Congress would not suffer the consequences, Washington would not suffer the consequences.

The taxpayer would.

Even now, our colleagues in the House have come up with a compromise to tie tax cuts to deficit reduction. If the deficit targets are not met, the tax cuts are not delivered. But is it not just like Congress to think that way?

If we were not in a collegial body, I would say the idea was just plain stu-

pid. Instead, let me just label it misguided.

Mr. President, we cannot compromise the taxpayers of this country or the future of their children.

Instead of a deficit lockbox involving tax cuts, what we should have is the automatic spending reduction mechanism Senator COATS and I have proposed in our Families First bill.

Under our legislation, if Congress fails to keep the growth of spending capped at 2 percent each year, an automatic, across-the-board sequester, excluding Social Security, would take effect.

In other words, every spending program would be held to a growth rate of 2 percent.

That way, Congress would have to pay the price for its own failings. Congress would have to explain to the taxpayers why they couldn't make the tough choices to slow the rate of growth of spending in order to balance the budget.

It is clear, Mr. President, that deficit reduction must be a top priority of this Congress.

But it is also clear that tax relief is equally urgent. And while there are some in this Chamber who say the two cannot go hand in hand—I say the two must go hand in hand. We cannot allow the opponents of middle-class tax relief to pit one against the other.

Mr. President, I am reminded of the animal trainer who walks into the lion cage.

There is a lion to the left of him and a tiger to the right. Both are ready to devour him if he makes a wrong move.

Do you believe for one instant that the lion-tamer will be foolish enough to focus his attention on either animal, while completely ignoring the other?

Like the lion-tamer, Congress is facing a pair of equally dangerous beasts.

In one corner looms the Federal deficit, in the other sits the oppressive tax burden American families are being asked to bear.

We cannot ignore one at the expense of the other. They both need to be dealt with before they overpower us and eat this Nation alive.

The mandate of the November election is clear, and the people are demanding change.

Thank you, Mr. President. I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

#### NEED FOR A BALANCED BUDGET

Mr. FRIST. Mr. President, I rise today to continue the discussions of my distinguished Senators and fellow Republican freshmen from Minnesota, Arizona, and Wyoming.

Our discussion this morning is on the balancing of our Nation's budget. And, again, coming off the campaign trail, coming to this distinguished body, I believe that there is no more pressing issue than balancing the budget before this Congress. Along with my 10 other fellow Republican freshmen Senators

and over 70 freshmen Republican Members of the House, I was elected with a simple mandate: to restore fiscal sanity to the Federal Government.

If this Congress today does not take steps to change the profligate spending habits of the Federal Government, the Members of this Congress, Republicans and Democrats alike, will be to blame for leaving an enormous mountain of debt to be paid by our children, the next generation, and future generations of Americans.

Mr. President, we simply cannot continue the current trend of Federal spending. Already the Federal debt is fast approaching \$5 trillion. A family of four currently pays \$440 per month in taxes just to pay the interest on our national debt. For the long term, the statistics are astounding. By the year 2000, just 5 years away, the Federal debt will exceed \$6.7 trillion. This trend creates a debt of \$25,000 for every man, woman, and child in America. That is a debt burden of \$100,000 for every family in this country, a debt burden created by this body over the past several decades.

Speaker GINGRICH noted recently that a child born today will pay \$187,000 in interest on the Federal debt during his or her lifetime, if current spending continues unchecked.

Mr. President, as shown in this chart behind me, all Federal revenues will be consumed by entitlement spending in less than 15 years. This is 1970, 1990, the year 2000, the year 2010, 15 years from now. The greenline here are total revenues brought in. Expenditures are the column, the red being entitlement spending, the yellow net interest and the blue discretionary spending, like defense, education, and infrastructure. By 2010, all revenues will be spent for entitlement spending, as well as net interest with no money left over for things like defense, education, support of our infrastructure unless we do something about it today.

Every group interested in deficit reduction today, from the Concord Coalition to the Kerrey-Danforth entitlement commission has recognized that the long-term health of the Federal budget depends on the ability of this Congress to restrain growth of Federal programs. In fact, the board of trustees of the Medicare trust fund will come out today with an annual report. It says that the Medicare Program is predicted to be bankrupt in 7 years. At the beginning of fiscal year 1997, the Medicare trust fund will begin to run a cash-flow deficit. Medicare is just one of the many Federal programs that must be restructured, be improved, restructured by allowing more choice for seniors in order to achieve long-term viability.

But, Mr. President, there are powerful interests that have already begun to resist even initial efforts to curb Federal spending. Defenders of the status quo would have us believe that there is no waste in Federal programs, that all of our Federal programs are

run efficiently, that there is no room to trim back this mammoth Federal bureaucracy. Yet, a Florida task force recently uncovered more than \$100 million in Medicare and Medicaid fraud and abuse, according to the Health Care Financing Administration.

Opponents of spending reform argue that we must spend more and not less, out of compassion. Mr. President, where is the compassion for the children of the next generation? The debate about Federal spending is more than a debate about cold budget numbers. It is a debate about restoring the American dream for future generations, making that American dream a reality for all Americans.

Mr. President, I wonder what the opponents of Federal spending reform will tell their grandchildren when they are paying lifetime income tax rates of 84 percent to pay off the debt we created, when they cannot afford college tuition or a mortgage on their first home. Will it past muster to say we just could not find a way to reduce the growth?

To reduce the growth, we are not talking about cutting spending in the sense that an American family today thinks of cutting spending. People in Washington engage in what I call Congress-speak. In Congress-speak, cutting spending means letting a program grow at 4 instead of 5 percent. If you told an American family today that they could spend 4 percent more next year than this year, they would think they are doing pretty well. Not here. Not in Congress. The liberals in Congress shamelessly oppose such reforms, leaving the public to believe that Government services will be drastically reduced. In reality, all of the hue and cry is not about compassion for the poor or children, but instead about a desperate attempt to maintain the Federal bureaucracy.

Mr. President, by the outcry in Washington over even modest savings proposals, you would think the Federal Government is about to pack up and go home. Far from it. The Federal Government will spend approximately \$9 trillion over the next 5 years. To get a balanced budget by the year 2002, we must save \$385 billion in mandatory spending. Federal Reserve Chairman Alan Greenspan has called the task of balancing the Federal budget a modest restructuring. While the job of balancing the Federal budget will be difficult, by no means will it result in drastic reductions in Government services or benefits. I believe Americans are ready to tighten their belts, so long as our plan is fair and balanced.

Yes, it disturbs me that the President has not joined Republicans in the task of achieving a balanced Federal budget. As shown in this chart which depicts Federal budget deficits, the Clinton plan is in red versus the Republican budget here, which comes down to be balanced in the year 2002. We see that the Clinton budget throws up its hands and says that the budget cannot

be balanced, keeping \$200 billion deficits over the next 5 years. The Republican plan, in contrast, balances the budget in the year 2002.

The President's advisers are trying to put an effective spin on the fact that they have thrown up their hands on any attempt to balance this budget, and they say that the stable deficits over the next 5 years will remain at \$200 billion with a deficit declining to 2.1 percent of the gross domestic product by the next century. But even those modest claims have been refuted.

The Congressional Budget Office took a look at the President's budget and found that the President had understated the deficit by approximately \$209 billion over 5 years. The CBO also found the deficit as a percentage of gross domestic product, the administration's favorite measure will actually increase from 2.5 to 3.1 percent. The President has completely abdicated his duty to lead on fiscal issues.

Finally, Mr. President, let me say a word about economic growth. Not only do we have a moral obligation to reduce the Federal deficit, but from an economic perspective, we simply must reduce the amount of Government borrowing in order to free up capital for productive investment in the private sector.

No Government program can substitute for economic growth led by entrepreneurs, small businessowners, and other risk takers.

Our economy will make room for everyone, but we must unleash America's capital for investment and put a stop to massive Government borrowing.

In closing, we should remember what this debate is all about. It is about the moral imperative to pay off a debt we created. It is about the responsibility we have to the children of future generations. It is about increasing economic growth and access to capital. And it is about the strength of our system to survive.

If we cannot stand up to those who would oppose real reform, then our very democracy is threatened.

I thank the Chair, and I would like to yield to my distinguished colleague from Ohio.

Mr. DEWINE. Mr. President, let me first congratulate my colleague from Tennessee for his description of the problem that we face.

I think it is appropriate and significant that this week, the 11 new Members of this body are coming to the floor to talk about really the most important problem facing our country; that is, our inability to deal with our budget deficit.

This week, Mr. President, there is going to be a lot of discussion about the close of the first 100 days of this Congress. There will be talk about the Contract With America.

I think that, by and large, the American people are pleased with what they have seen. We have begun to make progress; we have a way to go. We have passed in this body the line-item veto.

We failed by one vote to pass a balanced budget amendment, but I am hopeful, as I know many of my colleagues are and as the majority leader is, that we will get that one additional vote and that we will be able to come back on this floor and pass that balanced budget amendment.

We passed the unfunded mandate bill which, for the first time, will really hold Congress accountable for unfunded mandates that are passed down to the local communities with no money, but just telling the communities what to do.

With unfunded mandates, line-item veto, making Congress live by the same laws that everyone else has to live under, I think we have made progress. We have a way to go.

Quite frankly, Mr. President, I believe the tough votes are ahead of the Senate, not behind the Senate. I believe that this Congress really should be looked at in two different sections. The first part of the Congress deals with the items we have just talked about. Then we will move in—and frankly we have already begun to do this with different committees—the Budget Committee particularly—to the hardest and most difficult task that we have; that is, to do something that we have not done for a quarter of a century. That is to get ahold of Federal spending and bring it under control.

I think the American people should understand that this week, while the focus is on the first 100 days, we now must turn to where we go from here. Mr. President, it is not going to be easy.

Over the next few months, the U.S. Senate and this Congress is going to face some very, very tough choices. This Congress must do what prior Congresses have not done. We have to write a realistic budget for the U.S. Government. All Americans must be prepared for what lies ahead. Mr. President, this will not be pretty. It will not be easy.

Indeed, the votes we have cast so far in this body are very easy compared to what lies ahead. We have to begin, Mr. President, by being absolutely candid and honest with the American people about the tough choices that lie ahead.

We can no longer postpone the day of reckoning. The day of reckoning, Mr. President, is here. The current direction of U.S. budget policy is simply not sustainable.

Congress has already amassed a \$4.7 trillion national debt that our children and grandchildren will have to pay. That is what the American people in the past election voted to change. The people of this country demand change because they know what is going to happen if we do not change.

Mr. President, we are already paying over \$235 billion a year just in interest on the national debt. By the year 2003, just 8 years from now, spending on entitlements and interest alone will exceed 70 percent of the entire Federal budget.

If we take out defense, we leave just 15 percent of the budget for all the discretionary spending on our domestic needs. That is 15 percent of the whole budget—15 percent, Mr. President, for education; job training; for the Women, Infants, and Children Program; just 15 percent of all these domestic needs. That is, if we just stay on our present course.

It does not get any better after the year 2003. In fact, it gets worse. By the year 2012, just 17 years from today, there will be nothing left in the budget for these social needs—zero. No money for our children, no money for our future—everything consumed. Every last red cent of the Federal budget will go to entitlements and interest payments.

Mr. President, Congress' fiscal insanity has had a terrible human cost. The year 2012, the year the money is scheduled to run out if we do not change our ways, is 1 year after my wife, Fran, and I expect our grandson, Albert, to graduate from high school, and 1 year after our daughter, Anna, should enter college.

Mr. President, if we do not succeed in writing a sensible budget, a budget that leads toward balance instead of further and further into bankruptcy, I shudder to think of the America we are going to leave these children.

Another way of looking at it, when my parents graduated from high school in the early 1940's, the debt attributable to each child graduating from high school that year was \$360. By the time my wife, Fran, and I graduated, in the mid-1960's, that figure was up to \$1,600 for each child. When our older children, Patrick, Jill, and Becky, graduated in the mid-to-late 1980's, that figure was up to \$9,000. If we continue, Mr. President, to go the way we have been going, by the time our grandson, Albert, graduates from high school in the year 2012, that figure will be up to almost \$25,000. That is \$25,000 in debt, and no money at all to pay for urgent national needs.

Mr. President, this is much more than simply a budget question. It is much more than a question of accounting and bookkeeping. I believe, Mr. President, it is a fundamental moral question about the kind of people we are, the kind of Americans we are.

In conclusion, Mr. President, I contend that we do not have the right to leave our children a bankrupt America. They deserve a lot better. That is why we are here on the floor today.

It is our challenge over the coming weeks to create another picture of America, another picture of America in the year 2012, an America with a balanced budget, an America that is gradually paying off its debt and coming back to fiscal sanity, an America in which Albert, Anna, and other children of their generation are liberated from the crushing burden of debt and have, finally, the freedom to cope with the challenges of the 21st century. That is what, Mr. President, the coming debate is all about.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, the Senator from South Dakota or his designee is recognized to speak for up to 30 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 663 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. DEWINE). The Senator from North Dakota.

#### PUBLIC POLICY

Mr. DORGAN. Mr. President, I heard a discussion this morning about fiscal policy, about the future, about Federal deficits, about accountability, about jobs, about opportunity. All of those issues interest me and I think interest every Member of this Senate.

Our country is, I think, unique in that we have a democratic system in which we create some pretty aggressive battles between the parties and between the individuals in political parties, contesting ideas. Even as we contest those ideas, differences in approaches, and different ideas, we essentially have the same goals.

The Senator from Ohio, who is now the Presiding Officer, comes from a big State. I am from a small State. He is a Republican. I am a Democrat. I would guess, if we sat and discussed goals, he and I would have very few differences in the goals we have for our country. We want a country that expands and grows and provides opportunity. We want children to be well educated. We want our streets to be free of crime. We want our air to be air we breathe without getting sick. We want health care that is available to us at a decent price. The fact is, we would very quickly discover—as we do all across this country when we talk politics—that our goals are the same. But, our methods of achieving those goals take very different paths.

Since the first of this year, we have been undergoing some very interesting times. We have, I think, because the American people registered a significant protest in the last election. Since then, we have passed more legislation on more significant issues than Congress has passed during any similar time period in the past.

Now, how was that protest registered? What was the score in November 1994? The American people said by their vote: 20 percent of us who are eligible to vote, voted for the Republicans; 19 percent of us who are eligible to vote, voted for the Democrats; and 61 percent of us who are eligible to vote decided it does not matter. They said, "I am not going to vote."

So that is the score: 20 percent to 19 percent—but 61 percent said, "Count

me out, I am not going to participate in that process."

As a result of the 20-to-19 victory, there is a great clamor about what in politics is called a mandate for the Republicans. Probably only in politics could you get a mandate from a 20-to-19 victory.

You see, they had printed something called a Contract With America. In fact, on the House side, Speaker GINGRICH—now Speaker GINGRICH, but then Congressman NEWT GINGRICH—lined all the Republicans up in front of the Capitol, had the television cameras there, and had them all sign this little contract called the Contract With America which proposed some very substantial changes.

Some of that Contract With America made eminent good sense. In fact, some of it embraced the very things we tried to pass in the previous session of Congress here in the U.S. Senate, that the Republicans filibustered and opposed. They prevented us from getting it passed.

That is fine. Times change and so do opinions, and so the contract embraced some of the very things that we supported and tried to get done.

Since that election and since this contract the Senate has passed some of those things that make good sense. I supported them, as did most of my colleagues on both sides of the political aisle.

Unfunded mandates: Let us decide to stop telling everybody else what they have to do while saying to them you pay for it. Mandates are easy. Unfunded mandates are even easier. But it is irresponsible, and we passed legislation that says let us be more responsible when we talk about mandates. Let us find out what it is going to cost somebody and maybe let us decide, if we are going to stick them with a mandate, we have a responsibility to pay the bill. We passed an unfunded mandates bill that made good sense.

Congressional accountability: In effect saying if you pass a bill in Congress you have a responsibility to live under that same law you passed. It made good sense. I supported that this year and I supported it in the previous Congress as well.

Regulatory 45-day veto? That made good sense. I supported that. It is saying let us stop these unintended consequences. When we pass a law that we think is going to be a good law and somebody puts out a half-goofy regulation, let us have the opportunity to veto the regulation if it does not work, if that is not what we meant. I voted for that as did almost all of my colleagues. It made good sense.

Line-item veto: That was more controversial, but I voted for it because Governors have it—almost all Governors have a line-item veto. I have thought for 10 years that a President ought to have a line-item veto.

That is a menu of things we have done that make good sense.

There are other things that have been done since the first of the year that make no sense at all. I want to talk about some of them as well. Because there is, it seems to me at least in some margins in this public policy debate, a mean-spiritedness, one in which people say, "Well, I won, and what I intend to do now is help my friends and I do not care about the rest."

Unfortunately, some of those who won have very wealthy and very powerful friends, and those friends are getting some very big help.

We also have in this country some very vulnerable people. We have homeless, we have poor, we have people who are down and out, people who are suffering, and we have a lot of children who count on us and look to us. The fact is too many of these constituencies have been given the cold shoulder in the last several months.

Let me start with a central question of deficits because the Senator from Ohio talked about that. I agree with him. I think the Federal budget deficit cripples this country's ability to grow, and we must deal with it. We had a proposal on the floor of the Senate to amend the Constitution to require a balanced budget. In fact, we had two votes on an amendment to the Constitution, one of which I voted for, one of which I voted against. I did not vote for the one that would loot the Social Security trust fund to provide the money to balance the budget because I do not believe that is honest budgeting.

But it is interesting. I noticed yesterday in a publication called *The Congress Daily* that a Member of the Senate, one of leaders in the Senate, said that there is a feeling among some Senate Republicans that we should not move toward a balanced budget in our budget resolution—which they are required to bring to the floor—because if we did, we would lose steam to move toward a balanced budget amendment in the Constitution.

In other words, if the Senate shows it can achieve a balanced budget without changing the Constitution, that would be a problem. I read this last evening, and I could not believe anybody could really say that. But that's what was said: "We should not try to balance the budget because, if we did, that would take the steam out of the initiative to change the Constitution."

Now, I ask you. What is the most important thing that we have facing us? Balancing the Federal budget or changing the Constitution? Balancing the Federal budget. We can do that without changing the Constitution.

The fact is, if we changed the Constitution 2 minutes from now, 3 minutes from now, we would not have made one penny's worth of difference in the deficit. We ought to, with every single budget resolution that comes to the floor of this Senate, grit our teeth and roll up our sleeves and start doing the heavy lifting that is required to balance the budget.

But this sort of nonsense, saying as some say, that maybe we should not move toward a balanced budget with our budget resolution because that will take the steam out of this effort to change the Constitution is just ridiculous. What on Earth can they be thinking of? How absurd a position.

Well, nothing surprises me much anymore.

But the cynicism expressed by those who would argue that we should not balance the budget because that will take the steam out of our effort to change the basic framework of our government, the Constitution, is both amazing and appalling to me. It really ranks very high up there on the scale of cynicism.

Our job is to do the work here, not to take the pose.

So, the first requirement and first job for us is to address this budget deficit honestly, because to do that then opens up opportunity in the future and economic growth. Failure to do that means that we consign this country to slow anemic economic growth, an economic future none of us want for our children.

Even as we do that, I want to say that the job requires spending cuts. Yes. It requires significant spending cuts.

I am always interested in seeing how people characterize spending cuts because there is some notion around here that one political party wants a lot of spending cuts and the other political party essentially does not want any spending cuts.

It is alleged that one side, the majority side, the Republican side, are tigers when it comes to cutting spending. The other side? Gee, they just want to spend more.

Nothing could be further from the truth. There is not a plugged nickel's worth of difference between Republicans and Democrats in terms of how much money they want to spend.

All you have to do is look at the record, and you can look at the record for 15 years. Oh, there is a substantial difference in what they want to spend money for, but there is not a plugged nickel's worth of difference in how much money they want to spend.

During the last 15 years, we have had mostly Republican Presidents. Congress has spent less than Presidents have requested in their budgets. Translated—Republican Presidents have requested more spending than Democratic Congresses up until this Congress have actually spent.

I see the ranking minority member of the Appropriations Committee is on the floor. I have heard him refer to this as well. The question is, "Who has the appetite to spend how much money?"

There is some notion that the Republicans always want to cut spending, that they are for less spending and the Democrats are for more spending. The record does not show that to be true.

Yes, there is a difference in how we want to spend money. The Republicans

always want to pack more money into the defense pipeline. They say, "You cannot spend enough in defense for us."

In fact, at a time when we have this massive deficit, at a time when the Soviet Union has evaporated and gone, the Republicans are saying what we really need to do now is we need to start building star wars once again. If we can just resurrect star wars, somehow we will all sleep better. America will have a better future.

The fact is they will resurrect star wars and cut school lunches and say Democrats want to restore school lunches so they are big spenders. It does not wash. It does not work. The evidence does not demonstrate that what is being alleged on the floor of the Senate is true.

Both sides of the political aisle in the U.S. Senate by and large propose about the same measure of public spending. We simply disagree on what the money ought to be spent for. That is a legitimate disagreement. It is a legitimate disagreement, it seems to me, for one side to say we want to cut our revenue base in a way that provides the bulk of the benefits to those families who make over \$100,000 a year; to say, "We want to increase spending for star wars because we think it is necessary for our Nation's defense." That is a legitimate thing to say and do. I do not happen to agree with it. But certainly it is an idea, a bad idea but an idea.

On the other hand, they would say to us, as we intend to cut taxes, the bulk of the benefit of which will go to wealthiest Americans, and as we intend to start building a new gold-plated weapons system—which, in my judgment, we do not need—they would say, let us now, in order to pay for all of this, cut funding for foster care—as they have done—let us decide that nutrition programs should go to the States in the form of block grants, and we will cut the block grants. Then we will let the States use 20 percent of the money we have now cut to do anything they want to do with, including creating pork projects or building roads, having nothing to do with nutrition.

Then they say, Well, let us cut adult literacy grants for the homeless. Let us decide to eliminate funding for summer youth programs. Let us decide to end the entitlement or the requirement that poor kids ought to get a hot lunch at school. Let us decide, they say, to cut 1995 funding for financial aid for needy students to attend college. Let us decide, they say, to cut legal services to the poor back to zero. Let us decide, they propose, to cut 1995 funding for the Healthy Start infant mortality initiative.

This is a country, incidentally, that ranks way down, when you rank from best to worst in countries on infant mortality.

They say, we do not have money here to fund that. Let us cut that because we want to go off and build star wars. We want to provide tax cuts, much of which will go to the wealthy. And of

course, my favorite, Let us propose—while we are cutting all of these things that would try to give a decent opportunity to those who are down and out, to those who are disadvantaged, to those who suffer, to those who are unfortunate enough to be young, the children in this country,—they say—We don't have enough money to respond to that, but maybe we should give them all a laptop computer.

"Let us give laptop computers to the poor. That will just sort of unleash a whole series of opportunities." They actually said that.

The second prize, it seems to me, goes to the folks who say we should get additional revenue for the Federal Government by charging an admission fee to tour the U.S. Capitol. I only come from a town of 300, but I suspect if you proposed in a town of 300 that you should charge somebody to tour a house they own they would laugh you out of town, saying you were not thinking straight.

My point this morning is if we are going to celebrate the first 100 days, we ought to be look at what is really going on.

When I started these remarks today, I said that I think there is merit in some of the proposals that have been passed by the Congress on a bipartisan basis during these first several months. I supported some of them because I thought they made a lot of sense.

Now, some of those proposals, the current majority party filibustered against in the last session of Congress and would not allow to be passed. But then came this Congress, and they said, "We want to pass them," and we joined them and said, "This makes sense. We supported this before and support it now." And we passed unfunded mandates, congressional accountability, regulatory veto. All of those make sense, and I supported them.

But there is much more to the story than just that.

The first 100 days, when it is celebrated this week, will be accompanied by a chart that shows the first 100 ways as well. The first 100 days and the first 100 ways in which the majority party in this Congress decided to use their power to help their friends, the wealthy and the big, powerful, economic interests in the country at the expense of a lot of vulnerable Americans.

Those are exactly the priorities they have exhibited.

Anybody who thinks that the priorities in this country should be to give a big tax break to very, very wealthy Americans so that we can justify taking a school lunch entitlement away from a poor kid, or to take opportunity away from America's children in dozens of ways—in nutrition programs, in education programs, and dozens of other ways—does not understand there is still a lot of fight left in a lot of us who care about what is right for this country.

This country, and this country's future rests on our ability and our willingness to invest in our children. It is that simple. A country that turns its back on its children and decides selfishly to provide more comfort to the already comfortable is a country that is not thinking ahead.

We have before us in the Senate now a amendment offered by Senator DASCHLE on the rescission package. This is a proposal that is the first of a series of proposals that we will offer in this Congress that represents our commitment to kids.

If this country cannot afford to decide to invest in its kids, to take care of its children, to care about its children; if we cannot do that in a whole range of areas, from school financial aid, to giving kids the opportunity to go to college if they do not have any money, to school hot lunches to allow poor kids the only hot meal they are going to eat during that entire day, to money that protects children against family abuse and violence; if we do not have the capability as a country to decide that these are our priorities, then this country, in my judgment, does not have its heart in the right place.

I think this country understands what the priority is. The priority is our children, because our children are our future. The amendment that has been offered by Senator DASCHLE in this Chamber to the underlying legislation talks about these programs: Women, Infants, and Children—the WIC program. Anyone who has seen anything or knows anything about the WIC program understands it is a program that works.

I almost hesitate to describe it again because almost everyone should know it. But here's how it works. A low-income mother who does not have resources and does not have money but is pregnant, is going to have a baby. She needs help feeding it, both before it is born and after.

WIC provides that help.

We understood a long time ago that if you provide the correct nutrients and provide nutritious help to that young mother, she is going to have a child that will not have to spend an extra 4, 5, or 10 days in the hospital because the baby was a low-birthweight baby because she was unable to provide needed nutrition to that fetus while she was carrying it in her.

We have discovered that for just a few dollars a month—for only a few months—we will save an enormous amount of money and provide an opportunity for that poor woman to have a healthy child.

That is a wonderful program. There is no waste. It is not money. It is certificates to buy juice and eggs and specific kinds of nutrients. It is one of the best programs the Federal Government has ever offered and it saves enormous amounts of money and is very helpful to children.

The Head Start Program. Gee, I do not think anybody who has toured a

Head Start center can adequately debate any longer whether that program is helpful to children who come from families that are disadvantaged, low-income families. You see these young boys and girls at Head Start centers getting a head start in circumstances where they would otherwise be left behind. You see their mothers and their fathers there, some of them, getting an education, also at this Head Start center. They are learning about nutrition programs, about hygiene, about how to raise children. It is a wonderful program that produces enormous rewards.

We ought to understand by now what works and then invest in it, not cut it. We ought not cut the WIC Program—Women, Infants, and Children feeding program—or cut Head Start in order to fund a tax cut for some of the wealthiest Americans. We ought not to cut Head Start in order to fund the Star Wars Program. That does not make any sense to me.

I could go on, and there are about 10 or 15 similar initiatives that we have that I think represent the best in this country, an impulse and a determination to make life better for our children, to decide that you cannot move ahead as a society by leaving some else behind.

You just cannot do that. You have to care about people, especially the most vulnerable people.

I started by talking about how we in this Chamber share largely similar goals. I think that is true. I think most of us would agree that there is a requirement and an incentive in this country that must be exhibited to say to people, "You have a responsibility for yourselves as well."

"Yes, we are going to help. We will extend a helping hand when you are down and out, but you have a responsibility to pull yourself up and step up and stand up and create opportunity for yourself."

That is true. I understand all that.

But it is hard to say that to an 8-year-old kid. It is hard to look in the eye of a kid, as I did one day, a 9-year-old kid from New York City named David, who said to us that it hurts to be hungry. He said, "No kid like me should have to lay their head down on their desk at school because it hurts to be hungry." You cannot look a child like that in the eye and say it does not matter.

These programs do matter. The choices being made here during the first 100 days have real consequences in the lives of young children. And that is what this debate is about. It is about what are our responsibilities and how do we meet those responsibilities.

I start with the understanding that there is good will on all sides. I am not claiming one side is all wrong and one side is all right. In fact, I think a lot of new ideas that have been generated and developed will advance the interests of this country.

But there are also some timeless truths that we ought to understand.

New ideas will never replace the timeless truth that we have a responsibility for our children in this country.

Time and time again this year, some of us will come to this floor to talk about our commitment to children, our commitment to our kids, because that is a commitment to America's future. But it needs to be more than talk.

If we decide that we do not have adequate resources to invest in our children's lives, in our children's opportunities, in our children's potential, then this country will never achieve its full potential.

That is what the debate will be about on the Daschle amendment. It will be a debate that will recur and recur and recur throughout this year as those of us who believe kids are a priority come to the floor to fight for kids and for their future.

Mr. President, I yield the floor.

#### REGARDING IRAN

Mr. D'AMATO. Mr. President, I rise to briefly discuss Iran. While this administration contemplates its next move regarding Iran, the brutal terrorist regime in Iran is plotting its next move. Will it reinforce its troops on disputed islands in the Persian Gulf, or will it add to its weapons stocks in the region? Only the regime in Teheran knows.

What we do know, is that this band of terrorists is planning an offensive military buildup. It is planning for the projection of its aggressive actions even further in the region. This administration should take this to heart and not appease these terrorists like it did with the dictators in Pyongyang. What the administration should do is support my legislation banning all trade with Iran and place sanctions on those foreign corporations that continue to trade with Iran.

To this end, I ask unanimous consent to have printed in the RECORD, following the text of my remarks, the February 1995 edition of the Focus on Iran. This publication details current events in Iran, with this particular issue centering on Iran's ongoing efforts to obtain nuclear weapons.

This is a vitally important issue and this important brief will shed further insight into a dangerous regime bent on violence and aggression.

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

IRAN: NUCLEAR WEAPONS AND IRRESPONSIBLE LEADERSHIP

[From Focus on Iran, February 1995]

Within the past year, much attention was given to Iran's continuous military rebuilding effort since its disastrous and costly war with Iraq. In particular, there has been great emphasis on Iran as a potential regional military power, and more ominously, as a potential nuclear power. The realization of Iran as both a regional and nuclear power would certainly cause concern to its neighbors. The international community—particularly the United States—is concerned with

two developments. First is the growing conventional and nuclear capability of Iran, and second, the increasing authoritarianism of the Rafsanjani regime and its support for domestic and international terrorism.

It is a truism based on historical experience that the greater the absoluteness/authoritarianism of a regime, the less its confidence in dealing with the international community, and the more likely it would resort to force to solve problems. In this context, the current regime in Tehran could hardly be considered a responsible and reliable participant for ensuring regional peace, stability and security.

It is clearly recognized that all nations have fundamental rights to provide for their own national security interests and those of others through mutual security treaties such as NATO, the former Warsaw Treaty Organization and other regional security pacts. Moreover, Iran itself, prior to the revolution of 1979, was a member of the former Central Treaty Organization (CENTO) together with the United States, United Kingdom, Turkey and Pakistan. Subsequently, the former regime undertook mutual security agreements with the United States. All the preceding agreements, treaties, pacts, etc., alluded to above, were undertaken by governments on the basis of perceived defensive security needs, with no outward declaration of aggressive intent. This in contrast to the bellicose rhetoric and state-sponsored terrorist and subversive activities of Iran's present regime. It is no wonder that a more powerful and nuclear-armed Iran, controlled by the clerics, poses a great concern for future regional peace and security.

Traditionally, Iran's security defense policy has been dictated by its geostrategic situation: From World War II to 1979, for defense against threats from the north, Iran relied heavily on the US deterrence. After the clerics took over in 1979, and especially after the aborted rescue mission of the US hostages, Iran, although its foreign policy was nominally "neither East nor West", tacitly relied on the Soviet deterrence against possible US attack.

After the collapse of the Soviet Union, and the Iraqi invasion of Kuwait, and consequently, the defeat of Saddam Hussein, Iran decided to put its energy and resources to develop weapons of mass destruction, not for defensive purposes, but to give Iran leverage to lead the Muslim World. In November 1991, Mr. Mohajerani, Vice-President of Iran, referred to Iran's activity to develop nuclear weapons. He said Moslem nations including Iran must acquire nuclear capability that would make them strong. This idea was probably reinforced after the Iraqi defeat in the Persian Gulf War, by the Indian Defense Chief, who reportedly said in an interview that one of the results of the Gulf War was " \* \* \* never challenge the US unless you have nuclear weapons".

#### THE POST WAR ARMS BUILD-UP

Since the end of the war with Iraq (in 1988), Iran has undertaken an extensive rebuilding and upgrading of its greatly depleted armed forces, as might be expected, especially since the threat from its recent adversary, Iraq, is real, even though seemingly lessened at present. It is noteworthy that much of Iran's arms purchases are best described as offensive in nature and not necessarily designed to counter what one might imagine to be its real concern, Iraq. For example, since 1988, the arms purchases include: 10 fast attack missile boats, 75 SCUD-C surface-to-surface missiles, an unknown number of Su-24 fighter/bombers, 12 Tu-22 (Backfire) bombers, 72 AS-16 (Kickback) air-to-ground missiles, and three Kilo-class ocean-going submarines (two already delivered and one to be delivered soon). In addition, there are on order

other weapons systems with both offensive and defensive capabilities.

Of particular interest in the above listing is the SCUD-C procurement from North Korea, because of the potential offensive threat it poses to Iran's neighbors to the South. It must be noted that this missile system is capable of being fitted with both conventional as well as nuclear warheads. Furthermore, there is every likelihood that the clerical regime in Iran will purchase the NO-DONG-1 medium-range ballistic missile or its follow-on, within the next five years, also from North Korea. With a range of about 600-800 miles and improved accuracy, the NO-DONG missile would be a direct threat to Israel, more so than the SCUD-B system deployed by Iraq in the Persian Gulf War of 1991.

The acquisition of several ocean-going submarines and fast attack missile boats presents a realistic threat to Persian Gulf oil flow, in as much as these naval craft could easily block the Straits of Hormuz by a missile or underwater attack. In the hands of an unstable and irrational regime, they also pose a direct danger to the U.S. and Allied naval vessels needing to access the Persian Gulf in periods of crises.

The acquisition of the long range Tu-22 (Backfire) bomber has no other use than extending Iran's offensive "punch" far into the Indian Ocean (against the U.S. and Allied Navies) or to the entire Middle East and beyond; a capability far beyond the accepted defensive needs of the clerical regime.

#### THE NUCLEAR WEAPONS ISSUE

The "conventional" arms threat is multiplied many times over when nuclear weapons are added to the equation. Much has been written recently concerning the activities of the clerical regime in regards to its involvement in the development of nuclear weaponry. The question does not seem to be one of the probability of such a development, but one of timing. In a recent article in The New York Times (January 4, 1995), Chris Hedges wrote a detailed and well-crafted article indicating that in five years, Iran may be able to fabricate a nuclear weapon, with the fissionable materials supplied by its nuclear facilities at Bushehr. If we examine the "conventional" weapons already purchased or on order, it is apparent that most of these systems can be readily adapted and modified to carry and deliver nuclear weapons.

In order to place the potential "nuclear threat" in proper perspective, it must be recognized that we are dealing with a contingency that is at least two to five years in the future. It will depend on the clerical regime's ability to receive or develop the requisite technological capability, and produce sufficient nuclear fuel, at which time the threat does become apparent and a focal point of international concern.

Apropos the issue of Iran gaining technological competence in nuclear weapons fabrication, much has been written in various intelligence sources. It has been reported that Iran has acquired at least two nuclear weapons (one missile and one 152mm artillery round) from Kazakhstan. Some sources allege that Iran may also be receiving technological assistance from North Korea. In any event, it makes little difference whether Iran currently has nuclear warheads; in time, it will develop the capability either by virtue of its native talents and/or with the help of "scientists of fortune" from the former Soviet Union and Eastern Europe.

#### THE ECONOMIC CONSEQUENCES OF NUCLEAR ACQUISITION

The more compelling question is not whether "Iran has the bomb", but rather,

why it should want a massive offensive conventional and nuclear strike capability. Secondly, who or what are the ostensible targets requiring such national commitment of human, economic, and material resources, to say nothing of the political capital expended in the international community.

The "why" of the clerical regime's military build-up can be answered simply as a normal action in light of the recent war with Iraq. More importantly, however, the upgrading of offensive conventional and future nuclear strike capabilities must be seen in the light of the Mullahs' determination to ensure their survival in the seat of power in Tehran, and more ominously for the future, perhaps to further their political-religious goals elsewhere in the Middle East and North Africa.

The importance of Iran's current rearming and upgrading of fire-power can be measured in terms of its economic cost to the nation. The U.S. Arms Control and Disarmament Agency (ACDA) estimates that between 1987-91 the clerical regime ruling Iran spent an estimated US\$8-billion in hard currency for weapons imports. At least a similar amount has been spent since 1991 for further purchases of weapons systems. This at a time when the country is experiencing significant economic distress as indicated by the fact that the per capita share of the GNP (i.e. the individual economic worth) has fallen to around \$1,000.

From these bare economic facts, it is apparent that the clerical regime in Tehran is choosing "guns over butter", and, consequently, is perpetuating the economic misery of the Iranian population. Compounding this economic situation is the fact that Iran's external debt is at least US\$40-billion, and given the relatively modest world prices for crude oil, Iran's main foreign currency earner, there is little hope for debt reduction in the foreseeable future. What this simply means is that as the external debt burden grows, the clerics will find it more difficult to acquire credit for domestic needs such as imports of necessary goods and services that are urgently needed to stop the nation's rapidly declining living standards.

Moreover, the great economic burden of the massive arms build-up has serious long term implications for Iran's development of its industrial economic base, notably, the petro-chemical infrastructure. Authorities estimate that Iran needs US\$5-billion for repairs, replacement parts and maintenance of its petroleum extraction and processing equipment and facilities, and an additional US\$1-billion for the maintenance of attendant petro-chemical equipment. If this investment in the petroleum infrastructure is delayed or slowed down, it is likely that within 15 years, the entire infrastructure will collapse, bringing about economic catastrophe.

The salient question is at what cost to the welfare and well-being of the Iranian people, and at what cost to the goodwill and economic credibility within the international community is the clerical leadership willing to expend for illusionary and self-destructive goals of religious fanaticism and domestic and international terrorism.

#### THE LIKELY TARGETS OF THE CLERICS' NUCLEAR POLICY

The second salient question, given the above discussion regarding the excessive level of rearmament effort, is, who, what and where are the targets of the arms build-up. If one surveys the current Middle Eastern political, religious and social environment, it becomes evident that there is an array of differences that are not in accord with the clerics' concept of religious "fundamentalism" and its attendant political and social ways of life. These range from Israel's inherent

Judiac nature, Egyptian, and Syrian political secularism, Saudi Arabia's Sunni sectarianism, the economic per capita wealth of the Persian Gulf States, the Turkish security links to the U.S., and the overall instability of the former Soviet Caucasus and Central Asian Republics and Afghanistan.

It is well within reason that the clerical leadership in Tehran may perceive some, if not all, of these differences as a threat to its "way of life" and ideology. Perhaps they also see them as targets of opportunity for some future date, when through armed threats and other coercive means, they look forward to imposing their hegemony, and forcing them to accede to their religious and political ideology.

The clerics' support of political terrorism in Lebanon, Egypt, Sudan, Algeria and elsewhere lends credence to their once far-fetched claim of converting the world of Islam to Khomeinism. In light of their actions and pronouncements, this indeed may be their first step on the road to achieving their avowed goals.

The nuclear strategic doctrine of the Islamic Republic was formulated by "The Strategic Islamic Research Center" headed by Hojatol Islam Khoeniha. Following are the main conclusions and goals of the Center which were reached in a secret meeting in May 1991:

1. After the collapse of communism, Islam is the only force and Islamic Republic the only leader and supporter of the liberation of the oppressed masses.
2. Iran will naturally be on a collision course with the U.S., and must consider the U.S. a real threat to the Islamic world.
3. Iran needs to develop nuclear power and prestige.

The result of this meeting, which was never publicized, should not be taken lightly. Nuclear weapons can be either the guarantor of state, or a threat to the whole region and survival of the country itself. The difference lies in the responsibility, wisdom, and the sophistication of the leadership, and the nuclear strategy it adopts. In the hands of responsible leaders, one can assume that nuclear weapons would not be used unless absolute survival of the country was at stake. In the case of the current clerical leadership in Tehran, it could present a real threat.

Like the United States, Israel is seen as the "Satan: the extreme negation of all that is held religiously and politically sacred to the clerics in Tehran. Moreover, the Islamic shrines in Jerusalem must be "redeemed". The clerics' success in this effort would most certainly evoke the Moslem masses to respond to its cause and jihad: a tide which none of the Middle Eastern States could withstand.

It is the opinion of many specialists that Israel is the lynch-pin for Iranian religious/political hegemony in the Middle East. Others point to the clerics' claim of the right to administer the holy shrines in Mecca and Medina. Another important target is likely to be Egypt which is already facing very serious challenges to its political and economic infrastructure from radical Moslem fundamentalists. The long arm of Khomeinism is most definitely felt in Egypt through the clerics' financial, material and moral support for the Egyptian religious radicals. The fall of the Egyptian Government would be a world-wide political event, and would pose a grave threat to the security of Israel and Saudi Arabia, and, most likely, would destabilize Jordan and Lebanon. The military assets of Egypt in the hands of radical extremists is difficult to contemplate for the United States and its Allies; for Iran, it would be a bounty worth all its effort and cost.

#### COMMENTS ON IRANIAN LEADERSHIP

Finally, in our assessment, the current clerical leadership in Tehran seems to be totally incapable of comprehending the dangerous consequences of their course of action. The clerics seem oblivious to the historic lessons of this century. All those who overreached their power paid dearly. Irresponsible policies and actions by irrational and despotic leaders brought untold hardship and misery on the civilian population. The overreaching of military power by the clerics in Iran could bring about the destruction of the Iranian nation. It should be made clear that the imperatives of Iran's security needs are recognized, and the bravery and dedication of its Armed Forces in defending the nation is lauded. It is our belief that the course of military expansion exceeds the requirements for defense of the frontiers against any adversary for the foreseeable future. The course pursued can only lead to the destruction of the patriotic Armed Forces needlessly.

In order to prevent the dangers of irresponsible military expansion and adventurism, we categorically support the replacement of the current regime with one dedicated to democratic principles well-grounded in the realities of the international security environment and balance of power concept. Furthermore, we insist that a new regime must have the support, respect and confidence of the Iranian people as well as that of the international community.

First and foremost on its agenda must be the well-being of the people, and guarantees for individual freedom and human rights. Along with economic security, it must work to ensure their physical as well as national security. These can be achieved by reversing the current aggression-oriented arms build-up and support for terrorism. Instead, the new leadership must be dedicated to, and must take an active role in promoting regional and world peace.

#### WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz again: How many million dollars are in \$1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding \$4.8 trillion.

To be exact, as of the close of business Monday, April 3, the total Federal debt—down to the penny—stood at \$4,873,480,746,464.74—meaning that every man, woman, and child in America now owes \$18,499.82 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding \$4.8 trillion.

#### TRIBUTE TO DICK REINERS

Mr. DASCHLE. Mr. President, today I want to take a moment to commemorate the long and distinguished life of my dear friend, Richard H. Reiners, an outstanding American, who passed away earlier this year.

Dick Reiners was born September 24, 1907, on a small farm east of Lennox,

SD, and passed away on January 15, 1995, at his rural home north of Worthing, SD. Throughout his life he was dedicated to his family, his community, and the land on which he lived.

As a father and husband, Dick epitomized the term, family values. He was faithful, honest, and loyal, and he passed those values onto his children and grandchildren.

As a member of the community, Dick was constantly active in improving the quality of people's lives. He served on numerous boards, including his church, his children's school district, the Farmers Home Administration, and the South Dakota Farmers Union. He was also actively involved in politics and labored tirelessly for the people he believed in.

As a farmer, Dick held a reverence for the land and its capacity for production. He was a hard worker and an eternal optimist.

Dick spoke his mind. He never gave up. He was always a kind and thoughtful man.

During my travels as a U.S. Senator, I am constantly humbled by the people of my State—people like Dick Reiners and the basic principles by which they live their lives: a love of family, an obligation to community service, and a strong commitment to an honest day's work. Those who knew Dick Reiners learned much from him, and I am honored to say that he was my friend. He will not be forgotten.

#### CENTENNIAL OF THE BIRTH OF CHRISTIAN A. HERTER

Mr. KENNEDY. Mr. President, March 28, 1995, marked the 100th anniversary of the birth of Christian A. Herter, one of Massachusetts' and the Nation's most respected leaders and public officials in this century.

After a distinguished early career in the Foreign Service, Chris Herter returned to Massachusetts and was elected to the State legislature in 1930 at the age of 35. In the next 6 year, he rose to become speaker of the house, and 4 years later, he was elected to the House of Representatives, where he played an influential role in making the Marshall plan a reality.

In 1952, the same year President Kennedy was elected to the U.S. Senate, Chris Herter was elected Governor of Massachusetts. After serving two terms, he accepted the position of Under Secretary of State under John Foster Dulles in the Eisenhower administration, and succeeded Dulles as Secretary of State in 1959. President Kennedy thought so highly of him that he appointed him to be U.S. Special Trade Representative in 1961, and the GATT Agreement still stands as one of his greatest monuments.

Christian Herter was admired and respected by leaders and citizens alike in Massachusetts, America, and throughout the world. On this occasion of the centennial of his birth, Emanuel Goldberg, who served on his staff as Gov-

ernor, has written an eloquent tribute to this extraordinary son of Massachusetts, and I ask unanimous consent that it may be printed in the RECORD.

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

#### CENTENNIAL OF CHRIS HERTER

(By Emanuel Goldberg)

He was one of the Commonwealth's most highly regarded and distinguished public servants, on a tri-level of state, national and international affairs, yet if you questioned people today—senior citizens possibly excepted—I doubt if one in 10 could lucidly recall Christian A. Herter of Millis and Manchester.

Last March 28, 1995 was the 100th anniversary of Chris Herter's birth, actually in Paris where his artist parents lived abroad. Twice he became not only a serious presidential prospect when "Dump Nixon" drives were surfacing but, in Massachusetts, served as Governor and Speaker of the House and, in Washington, as an outstanding Congressman, Secretary of State in the Eisenhower administration and the first U.S. Trade Negotiator for both Presidents Kennedy and Johnson. There is a state scholarship fund in his name—rarely publicized because his family rejected a brick and mortar memorial and preferred practical direct help to needy students. Thanks to former MDC Commissioner John W. Sears, there is also a public park, near Harvard Stadium (Herter's alma mater), named for him. Also an academic chair in international relations at Brandeis and Herter Hall at U. Mass-Amherst.

The 1952 gubernatorial election was memorable when underdog Herter in a close election, defeated by 14,500 votes the powerful Democratic incumbent Paul A. Dever. The major campaign issue revolved about Dever's outgoing public works commissioner, Bill Callahan, whose heralded highway program was attacked by Republicans as the most costly in the nation, as well as two and a half times more than the next highest state.

The Herter program for Massachusetts was highly and quickly successful because in just one year after taking office, the new administration got through most of its legislative program and also a 25 percent tax reduction in earned income. TIME put Herter on its magazine cover; also labeled him "to millions, a hero" (1/18/54). That year he was the only U.S. governor to produce such dramatic tax savings.

In the late 1940's, while a Congressman, Herter chaired a 19-member delegation that toured 18 foreign countries to lay the foundations for the Marshall Plan. He later won the 1948 Collier's Magazine award as the outstanding Congressman for that historic undertaking. Ironically, then Congressman Richard M. Nixon served on Herter's diligent and highly productive committee. The generous Collier's prize money was later donated by Herter to Washington's Johns Hopkins School for Advanced International Studies, an institution he was a prime mover in founding.

The awkward 6' 5" angularity of Chris Herter caused his military rejection in 1917 (he later suffered from severe arthritis) but catapulted him at once into public service. He served President Wilson at the Versailles Peace Conference, in 1918-1919, as Secretary of the American Peace Commission. Following an attaché post in Germany's American Embassy, he found himself, at age 22, operating the American legation in Brussels.

Thence commenced a close association with Herbert Hoover—Herter becoming at first the future President's principal assistant as executive secretary of the Europe Re-

lief Council and later, when Hoover was named U.S. Secretary of Commerce in 1921, his personal assistant.

On a personal level, the jovial, modest Herter, who frequently assuaged his arthritic back pain with bufferin and a cigarette, nevertheless was a fisherman, boatsman, gentleman farmer, breeder of golden retrievers and an expert bridge player. He was one of the Boston Red Sox's greatest fans and reveled in the Governor's prerogative of throwing out the first baseball of the season. One scheduled April opening day, when it actually snowed in Boston, causing the game to be cancelled, this frustrated Governor intentionally messed up a preplanned photo assignment by heaving a huge snowball at (and hitting) this writer, who was supposedly supervising a substitute news picture. My recollection is that simultaneously a distinguished, newly-formed Educational TV Commission was just entering the Governor's office—and its VIP members were quite perplexed to encounter an embarrassed, snow-covered young assistant and a hilariously-roaring chief executive.

Actually, Herter was very considerate about his staff's welfare. He was capable, even when busy, of phoning the switchboard operator to inquire about her cold. On one occasion, long after he'd left the Governor's office, Herter traveled from Washington to help a former staff state trooper, who'd encountered some job difficulty in Boston.

Testament to his wide popularity on both sides of the political aisle, when the Undersecretary Chris Herter was nominated by President Eisenhower to succeed John Foster Dulles as U.S. Secretary of State, the Senate on April 21, 1959, approved the appointment in 4 hours and 13 minutes. The Senate had suspended its usual confirmation rule of requiring a minimum of seven days.

Family-wise, Herter's father, Albert, an internationally renowned artist, created the huge murals now hanging in the Massachusetts House of Representatives. His older brother, Everit, was killed by German shrapnel in World War I. He married the former Mary Caroline Pratt, granddaughter of one of Standard Oil's founders, for whom a memorial garden as been affectionately dedicated in the MDC's Herter Park.

Chris and "Mac" Herter had four children; Christian A. Herter Jr., now teaching at the Hopkins School, who also once served in the Massachusetts legislature; Dr. Frederic P. Herter, a prominent physician at New York's Columbia-Presbyterian Hospital (medicine has also been a long family tradition for an uncle, also named Christian Herter, founded the College of Physicians and Surgeons in New York, while a young student named Jonas Salk was helped through his doctoral training via a Herter scholarship); E. Miles Herter of Manchester, prominent for years in the Boston financial community, and Mrs. Joseph (Adele) Seronde, wife of a pathologist and a widely admired artist now residing in Arizona. She, collaborating with Kathy Kane, was responsible for bringing "Summerthing" to Boston and also originating the outdoor murals that are now emulated throughout the nation.

Chris Herter, boots on at 71, was victim of a heart attack on December 30, 1966, while still U.S. Trade Negotiator. Ironically, a day before his passing, Herter, an ardent proponent of free trade, was cheered by news that Britain was lifting tariff restrictions among the European Free Trade Association.

Though William F. Buckley, Jr. and Chris Herter (a GOP Young Turk type) were probably at opposite ends of the Republican spectrum, I know of no-one who more precisely summarized Herter's essence than this noted

conservative. In a private letter, Bill Buckley commented that Herter was "a reminder of how civilized the world used to be."

There is a gap: no scholar has yet written a definitive biography about Chris Herter's multi-faceted contribution to history and the public welfare. His gigantic stature, both in size and character, will always remind us that moral and intellectual integrity can flower even in American politics.

#### PINEY WOODS OPRY IN ABITA SPRINGS, LA, RECEIVES ARTS ENDOWMENT GRANT

Mr. KENNEDY. Mr. President, there have been many articles and commentaries about the National Endowment for the Arts in recent months. Opponents have complained that the Endowment supports elitist institutions and elite audiences. But a recent story on the CBS Evening News describes a different and more accurate example of the Endowment's role—a grant made to Piney Woods Opry in Abita Springs, LA.

This grant from the NEA, totalling \$14,900, enabled the Opry to present performances of local musical folklore from the Depression era. The performances entertain the citizens of Abita Springs, and they will preserve this important part of America's musical heritage.

This success story, and thousands of others like it across the country, reveal the true mission of the Arts Endowment. Large corporations and wealthy donors are unlikely to fund these programs, but the Arts Endowment does. Mary Howell of Piney Woods Opry explained why:

When you ask why should the taxpayers want to support this kind of thing . . . Because it's about us. It's about every one of us.

I urge my colleagues to support the National Endowment for the Arts, and I ask unanimous consent that a transcript of this segment from the CBS Evening News may be printed in the RECORD.

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

[Transcript from the CBS Evening News, Mar. 31, 1995]

#### POSSIBLE BUDGET CUTS TO NATIONAL ENDOWMENT FOR THE ARTS CAUSE CONCERN FOR PINEY WOODS OPRY

CONNIE CHUNG, co-anchor. In the huge federal budget, \$170 million may not seem like much, but that's the 1995 budget for the National Endowment for the Arts. Some members of Congress think it should be zero. They call it a taxpayer subsidy for wacky or tacky artists who play to a cultural elite. Is that really where the money goes? John Blackstone has one case in point for tonight's Eye on America.

JOHN BLACKSTONE reporting. There was a time when Saturdays across much of rural America sounded the way they still sound in Abita Springs, Louisiana.

Unidentified ANNOUNCER: From the town hall in beautiful Abita Springs, the Piney Woods Opry.

BLACKSTONE. Piney Woods Opry never fails to draw an overflow crowd, though the songs and the sentiment are distinctly out of fashion.

(Excerpt from Opry performance)

BLACKSTONE. The musicians, often in their 60s and 70s, are among the last practitioners of a disappearing musical style.

Mr. BOB LAMBERT (Evening Star String Band): This is a true American music, and I think somewhere along the line, they're going to appreciate it again.

BLACKSTONE: The local congressman was invited here tonight, but he didn't come. He's a busy man these days, the new Republican chairman of the budget-cutting House Appropriations Committee, and one of the budgets he's busy cutting could have an impact right here.

Representative BOB LIVINGSTON (Republican, Louisiana): All we're trying to do is trying to bring common sense and sanity to the United States federal budget.

BLACKSTONE: Congressman Bob Livingston is bringing down the budget ax on federal funding for the arts, particularly the National Endowment for the Arts.

Rep. LIVINGSTON: We're going to be making drastic cuts, because we're going to be looking toward a balanced budget by the year 2002, and NEA has to prove that, you know, it is affordable.

BLACKSTONE: But ironically, Livingston is calling for cuts just as the Piney Woods Opry, right in his own district, is due to receive its first grant from the NEA, \$14,900.

Mr. LAMBERT: I don't want to get into politics but for the little bit that we have got, I don't think anybody could be complaining about that.

BLACKSTONE: Among the new Republican majority in Congress, money for the arts is called welfare of the cultural elite. Is this the cultural elite we're going to be seeing?

Mayor BRYAN GOWLAND (Abita Springs, Louisiana): Why, I wouldn't call it the cultural elite. I don't know.

BLACKSTONE: Many of the folks who show up at the Piney Woods Opry remember the hard times and honest music of rural America.

Mr. LAMBERT: You know, I—I—I grew up in the Depression, and I—I—I know what hard times is all about.

BLACKSTONE: Admission to the Opry is just \$3 at the door. Producers say the music isn't commercial enough to charge much more. Without financial help to keep the show running and the recorders turning, they say these songs will soon be gone, along with those who play them.

Ms. MARY HOWELL (Co-producer, Piney Woods Opry): We could lose our history. And it seems to me that that's when you ask why should the taxpayers want to support this kind of thing? I think that's why, because it's about us. It's about every one of us.

BLACKSTONE: Lauren Kilgore sings the songs her father taught her.

Ms. LAUREN KILGORE (Singer): (Singing) Grandpa, everything is changing fast.

BLACKSTONE: While the budget cutters sharpen their ax, the folks at the Piney Woods Opry say the value of this music can't be measured in dollars . . .

Ms. KILGORE: (Singing) . . . families rarely bow their heads to pray and daddies really never go away.

BLACKSTONE: . . . it can only be felt. In Abita Springs, John Blackstone for Eye on America.

#### IN HONOR OF HOWELL HEFLIN

Mr. AKAKA. Mr. President, I rise today to add my voice to those of my distinguished colleagues in the Senate to pay tribute to our colleague, Senator HOWELL HEFLIN of Alabama who announced his intention to retire from the Senate at the end of this Congress.

I too will miss him, not only as a U.S. Senator, but as a very dear friend.

The Senate will not be the same without HOWELL HEFLIN. He brought the highest dignity, integrity, and diligence to this body along with his unique sense of humor.

Mr. President, he is a big man with a big heart; his life is marked with patriotism and service to mankind; clearly HOWELL HEFLIN has led an unselfish life dedicated to leading and helping people. He was twice wounded in World War II as a marine captain while leading his troops in battle on Guam. He was awarded two Purple Hearts and the Silver Star for bravery. As a young trial lawyer in Alabama, he was known as one of the best. His reputation as an excellent lawyer led to his eventual election as chief justice of the Alabama Supreme Court. It just made sense that the "Judge" would eventually become a member of this distinguished body.

As a Member of the Senate, HOWELL HEFLIN brought great wisdom, and he used this wisdom for 13 years as a member of the Senate Ethics Committee and for two periods he served as its chairman. He has always fought for what was right for the country and for his constituents in Alabama. Mr. President, people may not agree with HOWELL HEFLIN's decisions all the time but they did respect them.

Mr. President, I could speak at length about HOWELL HEFLIN's many accomplishments. But for myself, I will always cherish the close friendship we have enjoyed over the years.

Mr. President, the Senate will never be the same without HOWELL HEFLIN. The people of Alabama and the people of this country have benefited from the service of the "Judge," one of the most outstanding Members to have served in this body. I look forward to working with him in the remaining months of the 104th Congress. My wife Millie and I wish both his lovely wife "Mike" and Judge HOWELL all of God's blessings. Mahalo for being such a good and faithful servant. Well done, Judge.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1158, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

D'Amato amendment No. 427 (to amendment No. 420), to require Congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds \$5 billion.

Murkowski/D'Amato amendment No. 441 (to amendment No. 427), of a perfecting nature.

Daschle amendment No. 445 (to amendment No. 420), in the nature of a substitute.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oregon, [Mr. HATFIELD], the chairman of the Appropriations Committee, wishes to be on the floor when the debate starts and that he wishes a quorum call. I understand he is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, although there are a number of rescissions proposed in the amendment by Mr. DOLE with which I agree, I am unable to vote for the amendment because of its rescissions of appropriations for the Nation's physical infrastructure, its proposed \$100 million cuts in IRS personnel, and its additional rescission of funding for the Corporation for Public Broadcasting.

The Dole amendment would cut \$323.7 million from appropriations for highway construction. Of this amount, \$280 million would be cut on a pro rata basis from every State's allocation of Federal-aid highway funds. These Federal highway funds are used by the States for highway and bridge construction, as well as for reconstruction and repair. Federal highway spending is one of the most productive areas of Federal investment in the creation of new, well-paying jobs. The Dole amendment, by reducing highway spending by more than \$320 million, would cause a loss of up to 20,000 highway construction jobs.

Mr. President, while it is true that we have a horrific national debt and we must continue to cut Federal deficits, as the pending bill would do, we must simultaneously address our investment deficit in critical areas such as our Nation's highways and bridges.

And I made this point at the budget summit in 1990, at which time I said we have not only a trade deficit, we have not only a fiscal deficit, but we also have an investment deficit.

For a moment, I would like to recount some of the maladies we will pass to the next generation for our failure to invest in our transportation infrastructure. So we still have an in-

vestment deficit. According to the Department of Transportation, there are currently more than 234,000 miles of the nearly 1.2 million miles of paved, nonlocal roads which were in such bad condition that they require capital improvements either immediately or within the next 5 years. The Nation's backlog in the rehabilitation and maintenance of our Nation's bridges currently stands at \$78 billion. According to the Federal Highway Administration 118,000 of the Nation's 575,000 bridges—around one out of five—are structurally deficient. While most are not in danger of collapse, they are required to restrict heavier trucks from using them—an action that has an immediate adverse impact on the Nation's economy. Another 14 percent of the Nation's bridges are functionally obsolete, meaning they do not have the lane and shoulder widths or vertical clearance to handle the traffic they bear.

No area of infrastructure investment is as critical as our Nation's highway system. The system carries nearly 80 percent of U.S. interstate commerce and more than 80 percent of intercity passenger and tourist traffic. I, therefore, strongly oppose the rescission of highway funds contained in the amendment by the majority leader.

I am also seriously concerned about the proposed \$100 million cut in the Internal Revenue Service Compliance Initiative. This initiative is designed to generate \$9.2 billion in additional revenue over its 5-year life.

The Internal Revenue Service advises that it would not be able to accommodate a \$100 million reduction in personnel funding between now and September 30, without furloughing all 70,000 compliance personnel for up to 10 days. A furlough of this magnitude would cost the Government approximately \$500 million in lost tax collections in addition to substantial losses in revenue from the 5-year initiative. All of these losses in tax revenues would have the effect of increasing the deficit.

I am gravely concerned about the continued plundering of one of this Nation's cultural lifelines—the Corporation for Public Broadcasting.

The majority leader's amendment would cut an additional \$86 million below the committee-passed rescission of \$55 million for public broadcasting. This is not thoughtful budget trimming. This is carnival-cut politics. It is flash-and-glitter knife tossing. Its intent is to give the illusion that there is some threat to a real target—the massive budget deficit—while, in a great and noisy show, it is merely popping balloons around the edges.

But, in the case of the Corporation for Public Broadcasting, we are not merely popping bright balloons.

This knife has sailed into the heart of the crowd. It is hurtling toward children and adults whose lives are bettered by the exposure to the quality educational and cultural programming of public broadcasting.

In many communities throughout the Nation, public broadcasting provides the only glimpse some citizens will ever have of faraway destinations, ancient civilizations, and the words of the great masters. It beams into the homes of children their first lessons, in many instances, concerning the alphabet, their first lessons about science and math, and of geography and English literature.

Many in my own State of West Virginia, without local access to college-level classes, rely on public broadcasting for the courses they need to earn a college degree.

It is shameful and arrogant for some to sit here in the grandeur of the Nation's Capitol surrounded by museums housing the works of great artists, with close-by theaters offering the plays of Shakespeare, opera, ballet, and the music of great orchestras and thoughtlessly snip away at the only access many of our constituents have to these treasures.

So as we debate ways to address the Federal fiscal deficit, many of my colleagues have spoken tirelessly of the debt that we leave to our grandchildren, I am equally concerned with the state of the Nation that we leave behind to our grandchildren—the quality and value of our national assets—the ability of those national assets to provide the capability for sustained economic growth. The true challenge facing this Congress is how to address the Federal fiscal deficit and our Nation's infrastructure and education deficits simultaneously. The Dole amendment addresses only half of this equation, namely, the fiscal deficit. It, in fact, exacerbates our infrastructure and education deficits. In my view, it makes no sense to rob Peter in order to get the funds to pay Paul.

So I urge when the time comes that the amendment be defeated.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first, I would like to thank my distinguished colleague from West Virginia for his remarks and, in particular, I want to pick up on one point that he made which has to do with the investment deficit. I really do believe the Senator from West Virginia is correct, that sometimes, unless you invest, decline begets decline. I think it is myopic and shortsighted not to make an investment in education and children and in our infrastructure. Sometimes you make an investment in the short run and are much better off in the long run. I think that is what my colleague from West Virginia is really trying to say today.

Mr. President, first of all, let me just simply take issue with the majority leader's substitute which is now before us and then talk a little bit about some

of the rescissions that are also before us.

The Dole substitute, as I understand it, contains all of the rescissions in the committee bill—in education, Head Start, in WIC, in child care. I want to talk about some of those rescissions. But above and beyond those rescissions, there are yet others. I would like to highlight a couple of areas where I do take very serious exception.

I visited in Appleton, MN—southwest Minnesota—with Pioneer Public Television. I can assure you that Pioneer Public Television is not a sandbox for the rich. I can tell you that the people in greater Minnesota, in rural Minnesota, are very connected to Pioneer Public TV, and they are connected to public television, for a number of reasons.

First and foremost, they appreciate the focus on children's programming. I have to say to the Chair, whom I know has a strong and sincere concern about children, that as I look at what is on commercial TV in the name of children's programming, with precious few exceptions, I do not find anything there very positive and enriching. Public television has done a truly magnificent job of presenting those of us who are parents and grandparents with some wonderful children's programming.

Second of all, Pioneer Public Television in southwest Minnesota is a real tool for education and empowerment for people in the community. It broadcasts programs that provide people with the kind of information that we encourage citizens to have to be more fully involved in their communities on the economic, political, and cultural issues.

So I find the additional cuts proposed in this substitute for the Corporation for Public Broadcasting to be egregious.

I also have to say KTCA channel 2—and also channel 17—in Minnesota has really been a flagship public television.

Public television provides some superb public affairs programming. I do think people yearn for something more than the 10-second sound bites. I think they really do yearn for some substantive and thoughtful discussion of public issues. The effort to attack part of the cultural institution in this country, namely, public television or public radio, is a huge mistake. It takes us backwards.

I am concerned about other proposed cuts as well. I heard some of my colleagues talk about AmeriCorps last night, so I will not, except to say that I was lucky enough to be at the founding gathering of AmeriCorps for the volunteers in Minnesota. I think there must have been about 300 young people. It was truly inspiring—the diversity of the young men and women that were there, the idealism, and their commitment to community. This is a program which encourages the very best ideals of this country, serving community, and providing young people, many of

whom were from backgrounds that would not have enabled them to afford higher education, with some financial assistance to do so.

Mr. President, there is a strong record of service to community already in this AmeriCorps program. I find it difficult to understand the effort to attack such a program. I find it difficult to understand why some of my colleagues spend so much time attacking a program which has barely begun which, calls upon young people, to be their own best selves. I think people yearn for models of community involvement. I think people yearn for alternatives to cynicism, and I think the AmeriCorps is an alternative to cynicism. Again, I find the Dole substitute very troubling on this count.

Finally, there may be discussion of this section of the amendment later, but I am concerned about cuts to legal services. I have done a lot of work with low- and moderate-income people over the years, with many citizens in Minnesota. Whether or not it is protection vis-a-vis their rights as tenants or consumers—or on other issues—the Legal Services Program is the way in which we make sure our civil legal system is open and serves all citizens, regardless of income. It is a program that has never operated on a very large budget.

This program provides dedicated legal services lawyers who do not make much money, but who make sure that those citizens who do not have the economic means to purchase or to have good legal representation are able to receive it.

It has strong backing from the bar association in Minnesota; strong backing from the bar association nationally. Instead, we should be making cuts in programs like star wars, or programs that have to do with a variety of different tax dodges and loopholes and deductions which go to people who, in fact, do not need representation. But this focus on legal services makes very little sense.

Mr. President, let me now turn to the initial rescission bill that we have in the Senate. I, first of all, would like to congratulate my colleague from Oregon, Senator HATFIELD, because I think that some of the work that he has done is extremely important. I fully appreciate his commitment and certainly his ability as a Senator.

Mr. President, I would like to talk about a few programs where there are slated cuts in this rescission package which are simply a profound mistake for the country.

I start out with the call for \$35 million to be removed from the WIC Program. That is for this year, fiscal year 1995.

This was a program that was authorized in the Congress in 1972 under the leadership of such able Senators as Senator Robert DOLE, now the majority leader, and Senator Hubert Humphrey.

I have said it on the floor before: Senator Humphrey's framework is a

legacy that is very important to me. And the late Hubert Humphrey from Minnesota said that the test of a government and the test of a society is how we treat people in the dawn of life, our children; how we treat people in the twilight of their lives, the elderly; and how we treat people who are in the shadow of their lives, those that are sick, disabled, and needy. I think that is a pretty powerful framework for examining our actions.

Mr. President, the WIC Program has been astonishingly successful. It works. The Women, Infants, and Children Program is an investment we make to make sure that women, while pregnant, receive adequate nutrition and newborn infants also receive adequate nutrition.

Mr. President, I have had an amendment on the floor of the Senate over and over again, which was finally accepted a few days ago, that we would not take any action that would increase hunger and homelessness among children. It strikes me that proposed cuts in the Women, Infants, and Children Program, which has been a huge success, which decreases the number of low-birth-weight babies and the chances of infant mortality, goes precisely in the opposite direction.

Mr. President, according to a GAO report, the Women, Infants, and Children Program averted 13,755 very low-weight births in 1990. Assuming that all the funds would be used, if the \$35 million—this is the rescission cut—is distributed evenly throughout all of the categories (women, infants, and children)—then 138 very low-birth-weight babies will not be averted because of this rescission cut.

Mr. President, the problem is that low birth weight greatly increases the chance of infant mortality and, in addition, a variety of different conditions, from high rates of cerebral palsy, mental retardation, serious congenital anomalies, and so forth.

Let me just ask the question, if we go on record saying we will not take any action that will increase hunger or homelessness among children—and the Senate is now on record—why do we have proposed cuts in the Women, Infants, and Children Program when we know that the WIC Program speaks precisely to this problem in the Nation? Again, if you want to make sure that a child, at birth, has the same chance as every other child, the one thing you certainly do not want to do is cut into a program that makes sure that that expectant mother has a diet rich in minerals and protein. You want to make sure that you do not have rescissions in programs that will lead to more severely low-birth-weight infants, with the possibility of greater infant mortality as well a whole set of huge medical problems for those children. This is a program that reaches down to the poorest of the poor. This is a program that provides invaluable nutritional assistance for expectant women, children, and newborn infants. Mr.

President, it strikes me that these cuts simply go against the very best of what we are about in this Nation.

In my home State of Minnesota, in 1993, over 3,000 people were on the waiting list for WIC benefits.

Mr. President, we have all heard the statistics before. You invest \$1 in WIC and you save yourselves \$3 that you would be paying over the first 18 years in additional medical assistance. So we have waiting lists, we have children in need, women and children. I believe the WIC Program right now only serves about 60 percent of those that are eligible for such assistance. Yet in the initial rescission package we have cuts in the WIC Program.

Mr. President, this debate really is about priorities. I simply have to argue that what we see in this package, in the Dole substitute, with cuts on top of cuts, is very distorted priorities. Yesterday, Senator KENNEDY was on the floor talking about this expatriate tax dodge and I joined in. We were talking about a tax dodge that goes to individuals or families with, roughly speaking, over \$5 million of net worth. We were talking of revenue losses to the tune of several billion dollars over the next 5 years.

At the same time we have that kind of tax dodge, at the same time we are talking about spending more money on star wars, at the same time we continue to talk about more money for military weapons, in preparation for war with the Soviet Union which no longer exists, weapons which are not essential to our having a strong defense, we have all of these loopholes and deductions. Yet when we look to where the deficit reduction is going to come from, all of the tax dodges, and loopholes and star wars weapons are left untouched, because in this rescission package, we are talking about cutting into the WIC Program.

I believe there is a contradiction between the Senate going on record that we will not do anything to increase more hunger or homelessness among children and talking about cuts in the WIC Program.

Mr. President, I want to focus on one other rescission and then I will yield the floor. There are many I could talk about. But I would like to talk about the rescission package which includes an \$8.4 million cut in the child care development block grant. Yet again, Mr. President, we have children bearing the brunt of a budget cut. This cut is painful to participants in a program with long waiting lists. No accusations of mismanagement. This is a program which subsidizes child care for the working poor. This child care increases the ability of low-income families to become or remain independent and to assure minimal uniform health and safety standards in the child care settings these children are in.

Mr. President, it makes no sense to have cuts in a child care program. Cutting child care will hurt children. Mr. President, if parents cannot afford

quality child care and we are talking about low- and moderate-income families, many of them hard-working families who are trying to, on the one hand, work and also afford child care, if they cannot afford quality child care, then we know what happens. Either you have very haphazard arrangements, because parents have no other choice, in which case, all too often their children may be placed in dangerous situations. Some reports have come out which should be extremely upsetting to all of us, which have pointed out that the conditions of child care, both home based and center based, in this country are all too often very dangerous, really quite deplorable. It is not a good picture.

So if you are going to make it impossible for families to afford child care, either the children become latchkey children and nobody is taking care of them because they are home alone, or they are going to be receiving child care; but it will not live up to the standards that all of us would apply to our own and any other children.

Mr. President, I do not think there is one Senator, Democrat or Republican, here in this Chamber who would desire for his or her child or grandchild anything less than good developmental child care. To have these cuts in child care programs when there are long waiting lists in the State, when it is a program that works well, when it is the key to independence is shortsighted. I will tell you right now it is also the key to welfare reform.

I think it is a huge mistake.

I would say to my colleagues, if we do not invest in children when they are young, if we do not provide a nurturing environment, if those children are not given encouragement, if those children are just receiving custodial care, if those children are in arrangements that sometimes are dangerous, then we have not served the children of this country well.

Now, Mr. President, understand that we have a whole decade plus of history of abandonment of children in this country, if we just look at the state of children in America. We have been trying, slowly but surely, within tight budgets to invest a little bit more by way of resources in decent child care. Now we have these proposed cuts.

Mr. President, Florida has about 19,000 on its working poor waiting list. Minnesota has a waiting list of 7,000. The State of Washington, 3,000. In Minneapolis alone, there is a waiting list of 2,100 families. In rural Minnesota, in proportion to need, there is even a greater waiting list.

So, Mr. President, I believe that these cuts—and it is why indeed I support the Daschle amendment—are unacceptable. They are unacceptable.

Once again, who pays the price? Children do. Why are we targeting children? Why are we making cuts in an affordable child care program, which already is severely underfunded, which we know will have the predicted results

of: First, parents not being able to provide their children with decent child care; and second, families not being able to become independent.

As a matter of fact, quite often what happens with welfare families, if we are talking about welfare families, but when we talk about child care, we are also talking about working families, as well—in the case of welfare families, about 75 percent of welfare mothers within 2 years, right now, go to work, but many of them go back to welfare.

There are several reasons for that. One of those reasons is that, in the absence of affordable child care, and then quite often losing their health care coverage, their families are worse off by the mothers going to work. We cannot have welfare reform unless there is affordable child care. We cannot expect families to become more independent unless we have affordable child care.

Here we have a proposed cut, Mr. President, which is an \$8.4 million cut in the child care development block grants. Mr. President, I just do not understand. It seems to me that we would want to spend a lot less money on star wars in space, and we would want to spend a little more money taking care of our children right here on Earth.

In that sense, I find this to be a distorted priority. I think the Daschle amendment is hugely important. For that reason, I support it.

I think the Dole substitute, which is, as I said, in addition to all the rescissions that were in the committee bill in education—and I have not talked about some of the chapter I cuts; I have not talked about the Safe Schools Program, as well, in child care, in Head Start, in WIC, in addition to even more cuts—strikes me as being harsh, strikes me as being a distorted priority.

Mr. President, this leads me to my last point. What we are doing here on the floor of the U.S. Senate, in this rescissions package made far worse with the Dole substitute, is looking at this year's budget, but unfortunately this is exactly what some of my colleagues intend to do as they budget this out over the next several years: We are going to make cuts based upon the path of least political resistance.

I have said this over and over again. That is why I brought this amendment out on children. I could see it happening. We are going to make cuts based upon the path of least political resistance. We are going to avoid the heavy hitters. That is why so far there has not been any discussion of reductions in subsidies for oil companies, or subsidies for tobacco companies or coal companies or pharmaceutical companies or insurance companies, and on and on and on. They are not asked to tighten their belts.

When it comes to child care; the Women, Infants, and Children Program; education; Head Start, we are more than willing to move forward with cuts in programs that already do not even serve nearly as many children

as need such assistance so they will have the same chances that we all want for our children.

Mr. President, in this context of who has the power and who does not, in this context of who decides who benefits and who is asked to sacrifice, I do not see a standard of fairness operative here.

AMENDMENT NO. 450

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

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 450.

The amendment is as follows:

At an appropriate place in the bill, insert the following:

"SEC. . It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC Program and other nutrition programs should be converted to block grant programs to be administered by the States, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. WELLSTONE. Mr. President, I want to ask the Chair, would it be in order to read excerpts from a newspaper article which refers to the other body and to Members of the other body?

The PRESIDING OFFICER. The Chair would inform the Senator, under the precedents, as it is, it is improper for a Senator to make reference to or reflect on the Members of the House, to refer to a Member of the House by name, to criticize the action of the Speaker, or to refer to debate of a Member of the House in terms that are imputative of unworthy motives.

Mr. WELLSTONE. Just so I can be clear on the ruling, if I were to read from an article and without using the names of any Members—would that be in order?

The PRESIDING OFFICER. In the opinion of the Chair, that would be in order.

Mr. WELLSTONE. That would be in order. Let me, then, give my colleagues a little background for the "why" of this amendment.

I refer to a piece today in the Washington Post that I believe is one of the best investigative pieces I have seen in a good many years. I speak as a political scientist.

Mr. President, would it be in order for me to insert this article in the RECORD?

The PRESIDING OFFICER. In the opinion of the Chair, it would be in order.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is an article by Michael Weisskopf and David Maraniss, and it deals with our nutrition programs. I refer my colleagues to this ar-

ticle. It appears in today's Washington Post, and I would just like to read from excerpts that I think will give my colleagues the background for this amendment.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, Apr. 4, 1995]

INSIDE THE REVOLUTION: A MODERATE'S DILEMMA: FOOD PROGRAM DEFENDER BECOMES A DISMANTLER

(By David Maraniss and Michael Weisskopf)

The congressional office of Bill Goodling, Room 2263 of the Rayburn building, is a quaint and cozy place straight out of the 1950s, with the ambiance of a small-town Pennsylvania school principal's den. Portraits of Ike at Gettysburg grace the front wall. In the far right corner stands a century-old upright piano, a clangingly out-of-time instrument that nonetheless brings the congressman great comfort when he pounds out Methodist church hymns alone at midnight. Behind his desk sit rows of potted African violets, which the grandfatherly Goodling fondly refers to as his children.

This old-fashioned hideaway is hardly the first spot one would look in search of leading characters in the House Republican revolution, with its New Age rhetoric and antigovernment fervor. Yet William F. Goodling somehow reached center stage in one of the most compelling productions of The First 100 Days, a drama that tested his political soul as he struggled, at the twilight of an obscure career, to attain and hold power in an institution dominated by young partisans pushing him from the right.

Since he entered Congress in 1975 after a career as an educator in the heart of Pennsylvania Dutch country, Goodling had earned a reputation on the House Education and Labor Committee as a moderate who worked in bipartisan fashion to protect the federal role in food and nutrition programs for needy children, infants and pregnant mothers. It was a natural extension of his paternalistic personality: taking care of his children, just as he had as father, public school teacher and administrator and cultivator of African violets.

When the Republicans took power this year, he suddenly became chairman of a committee that had been repopulated with antigovernment conservatives and went by a newfangled Third Wave name, Economic and Educational Opportunities. His first assignment from Speaker Newt Gingrich (Ga.) and Majority Leader Richard K. Armey (Tex.) was to carry out one of the most controversial missions in the "Contract With America." They directed him to dismantle and send back to the states the very nutritional programs that he had long championed.

Goodling's personal dilemma—how to respond to the pressures of the conservative leadership without repudiating his past legislative career—illuminated a larger morality play in the House: the struggle of the Republican majority to maintain the populist appeal of antigovernment rhetoric without appearing to acquiesce to special interests.

On one side, pushing hard for more power and freedom, were the nation's newly ascendant Republican governors, who visited Washington so often to lobby for block grants that they virtually set up a shadow White House two blocks from Goodling's congressional office. On another side were major cereal companies, infant formula manufacturers, agribusinesses and fast-food giants for

whom the federal retreat from the nutrition field presented an opportunity for new markets and less government regulation. And finally there were the most vulnerable members of society, whose needs historically had been met by a bipartisan coalition in Congress under the precept that hunger in America was a nationwide crisis too dire to be left to the states and was, as President Richard M. Nixon had declared in a seminal speech 26 years ago, a federal responsibility.

PROFIT AND IDEOLOGY

At first, Dale Kildee could not imagine that his friendly adversary bill Goodling was changing. This must be a technical error, the veteran Democratic congressman from Michigan later remembered thinking to himself when he entered the Opportunities Committee room one day late in February for the vote to send the nutrition programs back, to the states.

The bill as the Republicans had drafted it left out any requirement that states use competitive bidding procedures when buying infant formula from the major companies supplying the Special Supplemental Food Program for Women, Infants, and Children (WIC)—a nutritional program assisting 7 million people that had an effective record combating infant mortality and premature births.

In the early days of the WIC program, infant formula was bought at market prices. Since the federal government began requiring competitive bidding six years ago, the prices had dropped dramatically, saving more than \$1 billion last year alone and nearly \$4 billion over the last five years. All of those savings were put back into the program, meaning that more needy infants and pregnant women could be served.

When he noticed that competitive bidding had been left out of the Republican bill this year, Kildee assumed that it was an unintentional omission, so he drafted an amendment restoring it. He took the amendment to Chairman Goodling confident that it would be accepted quickly. But Goodling's reaction was cool and distant. Go "work out" with Hoekstra, he told Kildee, referring to Peter Hoekstra, a second-term congressman from western Michigan, one of the youthful free-enterprise Republicans on the committee who was gaining stature as a confidant of Speaker Gingrich.

Nothing was to be worked out. Hoekstra had a strong distrust of the federal government and was one of the staunchest proponents of devolving power back to the states. "Philosophically," he said, "it was a no-brainer" that Congress should eliminate federal mandates whenever possible—even the competitive bidding requirements that had saved money.

Hoekstra's philosophical commitment in this case coincided with the desires of one of the major corporations in his congressional district—Gerber Products, a Fremont-based company that is the nation's largest manufacturer of baby foods and is WIC's leading supplier of infant cereals. Unlike in the infant formula field, competitive bidding is not required of infant cereal suppliers, but the government seemed to be moving in the direction and Gerber wanted to maintain the status quo. The company lobbied hard against competitive bidding requirements in the infant cereal industry and had consulted with Hoekstra in the drafting of the legislation.

When Kildee's amendment came to a vote in committee, it was defeated on a near party-line vote, with only one Republican supporting it, Marge Roukema, a veteran moderate from New Jersey. Roukema said

later that she was not even aware that competitive bidding was omitted from the Republican bill until the deliberations that day.

In the committee room after the vote, Roukema asked several Republican members seated near her why they had done what they had done. Their responses, she said, were shrugs of the shoulders and the words, "We trust the governors."

#### BIG WINNERS

Only a few blocks from the land of Opportunities sits a venerable Republican redoubt called the Capitol Hill Club, where members of Congress mix easily with important visitors from back home and corporate lobbyists. It was there, beneath crystal chandeliers and oil paintings of GOP stalwarts, that key committee members met with the big winners in the transfer of money back to the states, Republican governors such as John Engler of Michigan, Tommy G. Thompson of Wisconsin, Pete Wilson of California and William F. Weld of Massachusetts.

The governors, said Opportunities Committee member Steve Gunderson, a moderate Republican from Wisconsin, had become the loudest constituents. "We can't give them more money," Gunderson said. "So we had to give them something else."

The state executives did not get everything they had demanded. Their bid for a single enormous block grant for all the programs was rebuffed by Goodling and Rep. Rudy "Duke" Cunningham (R-Calif.), the nutrition subcommittee chairman, who thought they could define the terms of the transfer better with two separate block grants. But the governors did receive more power and flexibility to run the school lunch and WIC programs. For years, some governors and corporate interests had bristled at regulations that they considered too intrusive—from dictating the amount of sugar allowed in WIC foods to when and where soft drinks could be sold in public schools.

Michigan's Engler was among the loudest critics of federal rules and regulations, which he derided at a committee hearing as a "crazy quilt." There were, as in the case of fellow Michigander Hoekstra and the Gerber connection, narrower economic consequences of devolution important to Engler as well, in this case involving another major manufacturing constituent—the Kellogg Co.

The cereal giant from Battle Creek has fought for years to modify a federal limit on sugar content that excludes Raisin Bran, one of its top-selling products, from the nutrition program for needy pregnant women and their young children. Purchased separately, raisins and bran both fall within the sugar standard, but combined in Raisin Bran they represent twice the amount that government nutritionists consider healthy in a single serving.

Until the Republican revolution in Washington, Kellogg's efforts to revise the standard and compete in the \$285 million-a-year market for WIC adult cereals had proved futile—"like hitting a brick wall," in the words of company vice-president James Stewart. This year Kellogg saw an opportunity to accomplish on the state level what it could not do with the federal government. The firm employed John Ford, son of the former committee chairman, retired Democratic Congressman William D. Ford of Michigan, to head its lobbying effort. Kellogg also enlisted the support of Gov. Engler and his staff, who pressed the committee to keep the block grants silent on the question of nutritional standards.

Not even the harshest critics of block grants predict an abandonment of sound nutrition by the states. But the devolution process will create a long-sought opening for many food industries to carve out larger

niches in the annual \$8.5 billion school lunch and WIC programs. Financially strapped state governments and part-time legislators, many nutritionists believe, are ill-equipped to make sound public health judgments and can be more easily swayed by corporate lobbyists.

The return of nutrition programs to the states would lift federal controls on the lunchtime sale of junk food in school cafeterias—a prospect that several corporate food giants are already anticipating. Coca-Cola Co., which last year fought off a legislative effort to extend the junk food ban to all high school grounds, is now showing signs of interest. Last month, as the devolution legislation was moving through the House, the company's law librarian called the national association of school cafeteria personnel for a breakdown of state laws on soft drink sales in schools.

Also at stake in the transfer of power to states is one of the cornerstones of the war on hunger, a 1946 requirement that school lunches provide one-third of the recommended dietary allowance of protein, vitamins and minerals. The dietary guideline is intended to assure at least one healthy serving a day of milk, vegetables, grain, fruit and meat for the 25 million children in the program. Federal agriculture officials were planning this summer to add limits on fat, saturated fat and sodium for school lunches.

With standards defined by states, food companies and agricultural interests with special regional standing would have more power, some nutritionists contend. "You could find a battle going on in a state legislature over what drinks to serve at school lunch," said Lynn Parker, a child nutritionist for the Food Research and Action Center. "In a dairy state, it might go one way. If soda interests are strong, it could go another way. Whatever way it goes, it may not be fought out on the grounds of what's best for the kids."

Goodling and his Republican colleagues on the Opportunities Committee express confidence that the states will demonstrate sound nutrition and financial practices in dealing with the programs. Their critics are less certain, and cite the recent history of the WIC program as evidence.

The infant formula industry, dominated by Mead Johnson & Co. and Ross Products Division of Abbott Laboratories, had raised prices a dozen times from 1981 to 1989, gobbling up more and more of the funds allocated for cereals, milk, eggs, cheese, juice and other foods in the program. After competitive bidding was imposed nationwide, with Goodling's support, prices dropped enough to feed another 1.5 million needy women and infants.

In defending the decision to drop competitive bidding language from the devolution legislation this year, Goodling said governors would be "idiots" not to impose it themselves. But as a recent case in California shows, states are not always as cost-conscious or resistant to industry pressures. When California's competitively awarded contract with Ross expired last December, it sought to extend the deal without rebidding it. The Agriculture Department said no, forcing a new round of solicitations and a new low bid—half the price of the old deal. The state ended up saving \$22 million a year.

If ever there was a case of narrow corporate interests over broad societal interests, this is it," said Robert Greenstein, head of the Center on Budget and Policy Priorities.

#### THE TRANSFORMATION

By the time he reached Washington two decades ago, Bill Goodling already had a reputation for compassion and a deep interest in children and nutrition. As superintendent of

the Spring Grove school district, he ate lunch every day in the cafeteria with his students. When the truck from Harrisburg pulled up with vegetables and meats from the federal commodities program, he helped carry the food down to the freezer in the basement of the administration building. When the mother of one of his students dies, he taught the young man how to cook dinner for himself and his father.

Goodling's own father, George Goodling, ran an apple orchard on the old Susquehanna Road and served in Congress for six terms. When he retired, Bill Goodling replaced him. The small-town educator transferred his interests to the broader stage of the Education and Labor Committee. He became known as one of the staunchest defenders of the nutrition and school lunch programs on the GOP side of the aisle. In 1982, he was the chief Republican cosponsor of a resolution opposing a Reagan administration proposal to send nutrition programs back to the states through block grants.

Three years later, when conservative Republicans in the House were considering ways to trim the budget and broached the possibility of cutting back on the national school lunch program, Goodling swiftly killed the idea before it advanced beyond the discussion stage. According to Tom Humbert, then a budget aid to then-Rep. Jack Kemp (R) of New York, Goodling called him one day. "Please come and see me," Goodling said. Humbert soon appeared in Goodling's office, where he found the congressman tending his African violets. "Mr. Humbert," Goodling said, "I hear that you are considering cutting the school lunch program. That would be a very bad idea!"

This same Tom Humbert, who came from Goodling's home district, returned to York County in 1992 and ran against the incumbent in a heated three-way general election contest—a race that Humbert and others see as the beginning of Goodling's political transformation. Humbert ran as an independent, challenging Goodling from the right. He and the Democratic candidate Paul Kilker, both blasted Goodling for his role in the House Bank scandal—it came out that year that Goodling had hundreds of overdrafts.

In Goodling's moment of need, he received a visit and timely endorsement from an unlikely friend—the leader of House conservatives, Newt Gingrich. That visit formed a bond between Goodling and Gingrich that grew stronger: Goodling supported Gingrich in his rise to power, and Gingrich elevated Goodling to the chairmanship after the revolution. Former aides on the committee's minority staff say they detected a noticeable shift in their boss's politics as he linked his fortunes to Gingrich. Even his moderate colleague on the committee, Steve Gunderson, said he noticed Goodling moving to the right last year. Gunderson attributed it to positioning by new members of Goodling's staff who wanted to be in favor with Gingrich.

The word inside the committee and around the nutrition community was that Goodling was instructed by the leadership to "carry the water" for the committee's portion of the Contract With America, as one former aide put it.

By the time he took over the committee this year, Goodling had little choice in any case. The panel, once a haven for moderates, had been transformed into a strong-hold of free-enterprise true believers, many recruited by their intellectual leader, Richard Arme of Texas, who served on the panel before becoming majority leader. The sense of these committee conservatives, as expressed by Rep. Cass Ballenger (R), a garrulous good

old boy from North Carolina was "to get rid of Washington whenever and wherever we can."

Ballenger had a personal interest in trying to remove the federal bureaucracy from the school lunch program. He and his wife founded the Community Ridge Day Care Center in his home town of Hickory, a federally subsidized program that serves school breakfasts and lunches. The paperwork for reimbursements, Ballenger said, now goes through Raleigh, then Atlanta and finally Washington, a process that means Ballenger's center "has to underwrite" the meals for a month. He will get his money quicker, the congressman said, with the federal government out of the way.

The Opportunities panel, by Ballenger's account, is now attracting what he proudly calls free-enterprise "wild men" and "nuts" who have various similar frustrations with the federal bureaucracy. They were in such a mood of cutting and slashing, Ballenger declared, that they would "kill motherhood tomorrow if it was necessary."

Goodling would not go that far. He and Duke Cunningham, who was once a teacher and coach himself, as well as a fighter pilot who was the real-life model for Tom Cruise's character in "Top Gun," managed to prevent efforts by committee conservatives to curb the school lunch program more drastically. Hoeksta and Ballenger wanted to limit the increase in the block grants to half the 4.5 percent that eventually was allowed. Goodling and Cunningham also rebuffed an attempt by governors and conservative committee members to lump all the program in one block grant. "I said, 'No way, Jose' to that one," Goodling boasted.

Compared to projections for family and school nutrition programs under current law, the two block grants shaped by Goodling's committee and passed by the House represent a reduction of \$6.6 billion over five years, according to the Agriculture Department. But Goodling said that the states deserved the opportunity to run the programs—"We can't dictate everything," he said—and that the reduced bureaucracy would lead to savings that could be passed along to those who need the programs.

The sight of Bill Goodling leading the way for the end of federal involvement in the anti-hunger programs surprised some longtime colleagues. It seemed as though to some extent he was being forced to eat something that he did not find entirely palatable. His training as an educator might have helped there, too. Once, while eating lunch with first-graders at one of the Spring Grove elementary schools, Goodling found himself staring down at a steaming heap of cooked spinach. He hated cooked spinach. But there was a little boy staring at him, and he felt that he had no choice but to "push this slimy stuff down my throat to show that I'm eating everything that's on the plate."

(About This Series: Propelled by a wave of populist discontent with Congress and the Democrats, the new Republican congressional majority now confronts the reality of power. The struggle to fulfill the demands of the Republican mandate while also responding to the special interest groups traditionally allied with the party will be examined in a series of occasional articles in the months ahead.)

Mr. WELLSTONE. Mr. President, this is under a section titled "Profit and Ideology," and I will have to be careful to make sure I leave out all names.

The bill as the Republicans had drafted it left out any requirement that States use competitive bidding procedures when buying infant formula from the major companies

supplying the Special Supplemental Food Program for Women, Infants and Children (WIC)—a nutritional program assisting 7 million people that had an effective record combating infant mortality and premature births.

In the early days of the WIC program, infant formula was bought at market prices. Since the Federal Government began requiring competitive bidding 6 years ago, the prices had dropped dramatically, saving more than \$1 billion last year alone and nearly \$4 billion over the last 5 years. All of those savings were put back into the program, meaning that more needy infants and pregnant women could be served.

"When he noticed that competitive bidding had been left out of the Republican bill this year," and there is a blank, a colleague "assumed that it was an unintentional omission, so he drafted an amendment restoring it. He took the amendment \* \* \*" and hoped that it would be accepted quickly, but that did not happen. Nothing was worked out.

The philosophical commitment to not have competitive bidding—and I am now just kind of paraphrasing here, not using names—coincided with the desires of one of the major corporations, Gerber Products. This is a company which is the Nation's largest manufacturer of baby foods and is WIC's leading supplier of infant formulas.

Unlike in the infant formula field, competitive bidding is not required of infant cereal suppliers, but the Government seemed to be moving in that direction and Gerber wanted to maintain the status quo. The company lobbied hard against competitive bidding requirements in the infant cereal industry, and was successful.

Part 1. So you have Gerber and the whole question of whether there is going to be competitive bidding. I thought we were trying to be efficient, which would save money that can be plowed back into serving the poorest children in America. But apparently that did not happen, and I will have the amendment read again so my colleagues will know what we will have an up-or-down vote on.

Then, part 2:

The cereal giant from Battle Creek has fought for years to modify a federal limit on sugar content that excludes Raisin Bran, one of its top-selling products, from the nutrition program for needy pregnant women and their young children. Purchased separately, raisins and bran both fall within the sugar standard, but combined in Raisin Bran they represent twice the amount that government nutritionists consider healthy in a single serving.

Until the Republican revolution in Washington, Kellogg's efforts to revise the standard and compete in the \$285 million-a-year market for WIC adult cereals had proved futile—"like hitting a brick wall," in the words of company vice president. This year Kellogg saw an opportunity to accomplish on the state level what it could not do with the federal government. The firm employed—

Someone who did the effective lobbying, and the whole effort was,

. . . to keep the block grants silent on the question of nutritional standards.

The final part.

So now we are talking about Kellogg and sugar content.

The return of nutrition programs to the states would lift federal controls on the lunchtime sale of junk food in school cafeterias—a prospect that several corporate food giants are already anticipating. Coca-Cola Co., which last year fought off a legislative effort to extend the junk food ban to all high school grounds, is now showing signs of interest. Last month, as the devolution legislation was moving through the House, the company's law librarian called the national association of school cafeteria personnel for a breakdown of state laws on soft drink sales in schools.

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"If ever there was a case of narrow corporate interests over broad societal interests, this is it," said Robert Greenstein, head of the Center on Budget and Policy Priorities.

So, Mr. President, we have Gerber lobbying against competitive bidding on baby food. I thought we were interested in competitive bidding, efficiency. But no, there is no competitive bidding. Then we have Kellogg: We do not want any standards on sugar content having to do with what our children are eating, though there is not a nutritionist in the United States of America who would not tell you that is important. Then finally you have Coca-Cola eying junk food.

Mr. President, let me simply read this amendment again to the underlying bill, I certainly hope and I plan to have an up-or-down vote on this.

It is the Sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyist acting on the industry's behalf.

Mr. President, I send this amendment to the desk and speak on this amendment because I was talking about distorted priorities earlier, and that was in the context of some of the rescissions in the Dole substitute on top of what is already before us. I was arguing why the path of least resistance? Why is everybody so excited about star wars in space but unwilling to invest resources to feed children right here on Earth?

Now we have a different kind of priority. We have a situation where you have your big lobbyists, large corporations, well represented: We do not want competitive bids on formula, although competitive bids held the price down and would enable us to feed more hungry children. We do not want to have any standards in relation to sugar content, or worrying about that, so we try to make sure the Federal Government does not set any kind of standards here. Then of course you have these companies eyeing the junk food market in our School Lunch Program. All

of them are apparently very well represented.

Do you know what, Mr. President? I did not see mentioned anywhere in this lengthy piece in the Washington Post today of any of the women and men who are involved in these nutrition programs, who devote their lives to serving children—their voice, apparently, was not heard at all.

Mr. President, I did not in this article read a word about any of the child advocates or, for that matter, any children who figured into this discussion at all. But, instead, what we have here is, unfortunately, an example of the tremendous influence of the food industry and lobbyists acting on behalf of the food industry on legislation, while children, those concerned with the needs of children, with the concerns and circumstances of children's lives, are left out of the loop. That is the "why" of this amendment. I ask the clerk to read this amendment one more time, if I could.

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

The bill clerk read as follows:

At an appropriate place in the bill, insert the following:

"SEC. . It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. WELLSTONE. Mr. President, I thank the Chair. I would simply say—

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. There is objection.

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

Mr. EXON. Reserving the right to object, and I am not certain I will object—

The PRESIDING OFFICER. The Chair informs the Senator that he does not have the right to reserve the right to object.

Mr. EXON. Reserving the right to object—

The PRESIDING OFFICER. The Senator can object.

Mr. EXON. Reserving the right to object, if I could get the clarification of the procedures that we are undertaking, the Senator from Nebraska sought recognition a few moments ago.

The PRESIDING OFFICER. The Chair would inform the Senator that he may not reserve the right to object.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Speed up the call, and we will have a vote.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk resumed the call of the roll.

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 451 TO AMENDMENT NO. 450

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator for Kansas [Mr. DOLE], for himself and Mr. MCCONNELL, proposes an amendment numbered 451 to amendment No. 450.

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

The PRESIDING OFFICER. The Chair will inform the Senator from Minnesota he does not have the right to do that when the clerk is reporting the amendment.

The bill clerk continued with the reading of the amendment.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, \$275,000,000, to remain available until September 30, 1996: Provided, That not more than \$50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have the floor.

Mr. President, last time I checked there were 70 amendments on that side

pending. This may clarify the question of the Senator from Nebraska. We had 28. This is Tuesday. We hope to recess on Friday. And everybody is just dreaming up little amendments to try to make a few political points. I have talked with the White House this morning. If they do not want this bill, that is fine with me. But what we hope to do is to take Jordan aid off the first supplemental and add it to this bill. Then maybe that will get White House attention.

This is a Jordan aid amendment that has wide support. It is supported by the President. Many of us met with King Hussein this year. It has broad bipartisan support. All I do in my amendment, in lieu of the matter proposed by the Senator from Minnesota, I insert the following. And if we are going to proceed with this bill, then we will have a vote on this amendment. Maybe then the White House will become interested in this bill because now I do not think the White House cares, and I do not see any reason to continue this spectacle on the Senate floor, have everybody offering some little amendment to score some political points. We will move on to something else.

So I have asked Mr. Panetta, the White House Chief of Staff, to let me know after he has a discussion with the Democratic leader, Senator DASCHLE, and then after lunch we decide whether we pull the bill down or whether we proceed to vote on this amendment and on the Daschle amendment and on the amendment offered by Senator ASHCROFT of Missouri. But if there is no interest in passing this supplemental bill—there does not appear to be any in the White House—then it would be my intent to just take the bill down. Then we are not going to send the other supplemental to the White House either. If they do not want to be involved in this process, that is up to them. But they cannot have it both ways.

So the amendment is simply the Jordan amendment, which we have discussed and which has been a matter of intense interest to the Senator from Kentucky, Mr. MCCONNELL, and this amendment is offered by me on Senator MCCONNELL's behalf.

I would be happy to yield to the Senator from Nebraska for an additional question.

Mr. EXON. Will the Senator from Kansas yield without losing his right to the floor for a question?

Mr. DOLE. I am happy to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I would say to the majority leader and other Senators on both sides of the aisle that it is not the intention of this Senator to cause any unnecessary delay. I think every Senator should be protected with his or her right to offer any amendments that they think are in order. I do happen to think this is an important piece of legislation.

I have an amendment that I talked about on Friday morning with regard to eliminating the mandates on the States with regard to funding of rape and incest that I talked about and ever since that time there seemed to be one roadblock or another to bringing this up. I had stood aside and said I just want to place this in the flow of business somewhere along the line. So I would certainly ask the majority leader to recognize the rights of the Senator from Nebraska, with the other amendments that the Senator said were being considered, as to whether or not the Senator was going to pull down the bill.

I hope that maybe we could get together with some kind of a unanimous-consent agreement to protect the rights of every Member of this body and still expedite the process, which I assume is what the Senator, the majority leader would like to have. In other words, there may be some filibuster, minifilibuster, call it what you want. I have no objection to that. I would think though that if we are going to be able to have the recess we had scheduled for this weekend, we are all going to have to recognize there is going to have to be some give and take somewhere along the line on this. And if there are reasons why filibusters are going to be mounted, maybe we could reach a time agreement to expedite the cloture process after a reasonable time of debate and not have the 3-day rule.

Basically, if we get into a 3-day rule with regard to a filibuster, it is pretty clear that we are not going to be able to finish this bill by the end of the week. And I share some of the concerns that the majority leader has, while I will fight, as I always have, for the rights of Senators on both sides of the aisle to offer amendments as they are entitled to under the rules.

I am just wondering. My question of the majority leader is, has there been a meeting recently between the majority leader and the minority leader with regard to the proposition of trying to come to some finite number of amendments, agree to a time limit on those; that if filibusters come up, we possibly could have an agreement that we would have expedited procedures where cloture could be recognized the same day, it could be considered the same day as a cloture motion would be filed, something to move this process along?

Primarily, I think it is important that we do the business of the Senate, work our will and then let the rules apply as to whether or not we are going to pass this piece of legislation.

I recognize the frustration of the majority leader, although I question whether it is wise to have foreign aid funds be added to this measure on top of all of the other consternation that obviously and justifiably surrounds this very important piece of legislation. But we have to move ahead.

My question is: Has there been a recent meeting between the two leaders to see if something could not be

worked out to scale down the number of amendments and at least get some unanimous consent agreements as to how much time we are going to spend on each amendment?

Mr. DOLE. I thank the Senator from Nebraska.

I would say we have been meeting at a staff level. Both Senator DASCHLE and I have talked about it on the Senate floor. He indicated he might be able to whittle down the 70 amendments.

Well, it is Tuesday. I am certain we could whittle down the 28 amendments. Maybe we will get it down to 50 amendments. If you took an hour or more on each one, plus rollcalls, it is not going to happen. It seems to me that rather than just let everybody bring up amendments here, posturing, doing whatever they are doing, it is best just to pull the bill down and have those debates at some other time.

I know the Senator from Nebraska has an amendment. I know he is serious about it. It is a serious amendment. I would just guarantee him, if we reach an agreement, that amendment will be in the mix unless the Senator decides otherwise.

Mr. EXON. I thank the leader.

Mr. WELLSTONE. Will the majority leader yield for a brief comment, without his losing the floor—just a very brief comment?

Mr. DOLE. Mr. President, let me explain the Jordan amendment. It is \$275 million debt relief for Jordan, \$50 million in fiscal 1995, \$225 million in fiscal 1996. And it is an effort by this administration, supported by bipartisan supporters on each side of the aisle, to support the peace process.

The Senator from Kentucky has just arrived on the floor and can explain it in greater detail. But the purpose of it and the reason for it is the fact that Jordan has made peace with Israel. We hope there would be an overall peace in the Mideast at the earliest possible time. I know the White House supports the amendment. I hope they would support it on this bill and then help us bring this bill to a conclusion. It does not take any rocket scientist to figure out we are not going to deal with 100 amendments if we are going to have sense-of-the-Senate amendments on everything. We had one from the Senator from Massachusetts, taking a couple hours on Friday, several hours yesterday, on a sense-of-the-Senate amendment that does not mean anything.

Now we have another one by the Senator from Minnesota on the WIC Program. And we will probably have a lot of sense-of-the-Senate amendments. Maybe that means something somewhere, but I fail to see where.

If we really want to get this bill done, if we are really concerned about reducing the debt, we ought to be voting to do it. This is \$13.5 billion in rescissions, a fairly substantial package, talking about real spending restraint.

If the White House does not want to pass it, if they do not want any spending restraint—which, apparently, they

do not—that is certainly the prerogative of the President.

I assume we will be hearing from the Chief of Staff momentarily. In the meantime, I would ask the cosponsor of this amendment if I have forgotten anything in the process.

Mr. McCONNELL. Will the leader yield?

Mr. DOLE. I yield, without losing my right to the floor.

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

Mr. McCONNELL. Mr. President, I just want to commend the distinguished leader for offering the Jordanian debt relief amendment. This is exactly the same amendment which I offered earlier this year to the defense bill.

Essentially what the leader's amendment would do, it would provide \$50 million in debt relief, which would be obligated in fiscal year 1995, and \$225 million for 1996.

The point is, this is the final installment in the agreement that we have with the Jordanians. The King was in town, as we all know, last week. Many of us met with him. He is making a good-faith effort to turn his country around and to be an important part of this growing peace movement in the Middle East.

I think this is an extremely important measure. I commend the majority leader for offering it to this bill. Maybe it will make this bill a little sweeter for those who seem not to want it to go anywhere. I, obviously, hope this will be approved at the appropriate time.

I thank the leader.

Mr. DOLE. I thank the Senator from Kentucky.

How much time does the Senator from Minnesota need?

Mr. WELLSTONE. I say to the majority leader—and I thank him for his graciousness—I would need no more than 3 or 4 minutes, just a brief comment in response to where we are, without the Senator losing his right to the floor.

Mr. DOLE. Would the Senator want 5 minutes?

Mr. WELLSTONE. Five minutes would be fine.

Does the Senator from Connecticut want any time?

Mr. DODD. Five or 10 minutes.

Mr. DOLE. Mr. President, I ask unanimous consent, after the Senator from Minnesota proceeds for 5 minutes and the Senator from Connecticut for 10 minutes, that we stand in recess under the previous order until 2:15.

Does the Senator from Kentucky want any more time?

Mr. McCONNELL. No. I would just make the point that this is completely paid for. This Jordanian debt relief is totally paid for.

Mr. DOLE. Let me add, I failed to recognize that, with the adoption of the Shelby amendment, it actually raised the rescission package to \$15 billion, not \$13.5 billion. So I was in error.

Is there objection to my request?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Not at all.

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

The Senator from Minnesota is recognized for 5 minutes, and the Senator from Connecticut will be recognized for 10 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, just so my colleagues understand and the majority leader understands, I understand that Senators have a right to second-degree amendments and I am pleased for us to have this debate, and there will be a vote. But I will bring this amendment back to the floor after the vote on the second-degree amendment.

I do not understand why my colleagues have any fear of an up-or-down vote on this amendment. I say to you, Mr. President, it is very relevant and timely. We are talking about the WIC Program. We are talking about nutrition programs.

At the same time, we see the power of the food industry. We do not have competitive bidding on infant formula which would save money, money that could be used to feed more children.

We are talking about an effort to strip away, I fear, some nutrition standards. We are talking about an effort to move in by the junk food market. And so my amendment is hardly, Mr. President, for show. It is very serious.

It reads:

It is the sense of the Senate that before the Senate is required to vote on the question of whether the WIC Program and other nutrition programs should be converted to block grant programs to be administered by the States, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf.

Mr. President, this is not filibuster. I am quite willing to agree to a time limit. I just want an up-or-down vote on this amendment.

Here we have these proposed cuts in nutrition programs, talking about block-granting, and, in addition, unfortunately, we have evidence of an industry and lobbyists having, I think, too much influence in developing some of this legislation as it moves along in the Congress.

I am just simply saying: What happened to competitive bidding? What about nutrition standards for children?

We should investigate before we move forward. I think the operative language is to investigate "to what extent, such a proposed substantial change in national policy as the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

Mr. President we ought to have an up-or-down vote.

So I say to the majority leader, I understand the second-degree amend-

ment. We will have that debate. But then I will come back with this amendment, and we will have an up-or-down vote on this amendment. And I will keep bringing this amendment to the floor until we do have that up-or-down vote.

Mr. President, this amendment is germane to the debate of rescissions and cuts in nutrition programs. It is relevant to the debate about whether we go in the direction of block grants. It is very relevant to what is happening in the 104th Congress.

I think the Senate sends a very positive message to the people of the country that we certainly want to make sure that the final nutrition legislation that we pass, I say to my colleague from Connecticut, has, first and foremost, the interests of children, not the interests of the food industry. That is what this amendment speaks to. Nobody should be afraid of this amendment. Everybody should want to vote for it up or down, and I would assume that we would have 100 votes in favor of it.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). Under the unanimous-consent agreement, the Senator from Connecticut now has 10 minutes.

Mr. DODD. Thank you, Mr. President.

Mr. President, I would like to return, if I could, to the basic thrust of the legislation before us, and that is the rescission bill.

You are going to almost have to hire a mountain guide to find your way through the legislative process that is unfolding here, with various amendments that are now being offered to the underlying bill and to the substitutes that have been suggested.

Let me, if I can, get back to the core set of issues here. What is primarily before us is the rescission bill that cuts into the heart of an awful lot of critically important programs that affect the most vulnerable of people in our society. It seems to me that we ought to try and keep our eye on that debate. Adding elements here that deal with Jordan and other issues, no matter how laudable and appropriate at some point for us to debate and discuss, I think it becomes rather obvious, patently obvious, to anyone who is following this debate that these are efforts to try and distract the attention from the central question.

Certainly this body ought to vote on whether or not you think the cuts in nutrition programs and Head Start and drug free schools ought to take place or not—we should not have to dwell interminably on those questions—and cast your votes yes or no. If you think that these cuts are ones that ought to be made, then you vote for them. If you do not, then you vote otherwise.

But I do not think we assist by doing this, since this is almost a self-imposed filibuster by the majority on these issues.

Mr. President, I want to, first of all, begin by commending the majority to this extent; and that is, the bill, the rescission bill, is a lot better than what existed in the House. No question, this is an improvement over what was coming over from the House.

But it is still a far cry from what I think most people in this country understand are valuable investments to the future of this Nation.

I was responsible for Head Start, Mr. President, 2 years ago, to bring the reauthorization bill of Head Start to the floor of the U.S. Senate. It was a comprehensive bill that called for many substantive changes in how Head Start was functioning, but it also called for full funding of Head Start.

Frankly and very honestly, I prepared myself to come to the floor for an extensive debate—it was a fairly controversial bill, the Head Start Program—and to extend full funding and to make other changes, many of which had been suggested, I might point out, by the distinguished Senator from Kansas, now the chairperson of the Senate Labor and Human Resources Committee, Senator KASSEBAUM.

In any event, I came over with leaflets, folders, and binders to defend this reauthorization bill. I was on the floor all of about 20 or 30 minutes. There was not a single voice raised in opposition to the bill. It was unanimously adopted by this Chamber.

It is ironic—maybe that is not the best word to be using here—that we find just a matter of months later a cut coming into the Head Start Program, again, a program that has never been the subject of much partisan debate and division over the many years that the program has existed because it works. It does the job that we need to be doing to try to see to it that the young children of this country get a good start in their educational life.

It has been a program that has worked tremendously well. Regrettably, we are only getting 1 in 4 of the eligible children with it. So there it was the collective judgment that it made sense for us to try to reach as many of those eligible children as possible.

So the reauthorization bill did that, unanimously adopted, not a single amendment offered on the floor. We had extensive hearings in the Labor and Human Resources Committee and worked out, I think, a good bill. I think the best evidence of the fact it was a good bill is that there was not a dissenting voice, and not a dissenting vote on that measure.

Now we come back this year and find out all of a sudden not only are we not going to fund to the extent possible all eligible children in this country, but we are actually going to go after the resources that are only reaching 1 in 4 of the children in this Nation.

There are a lot of messages and people have offered a lot of interpretations as to what happened on November 8 in the election, but I think it is a total

misreading of those electoral results to assume that the people who voted for the new majority anticipated that some of the very first actions we would be taking would be to go after the most vulnerable citizens in our society. The list goes on at some length in this \$13 billion rescission package that really does cut into the investment programs that are critically important for America's children and America's families.

I mentioned Head Start. There are also the nutrition programs and child care development. Again, here we are going to be debating shortly, I hope, welfare reform for the country. I do not know of anyone—in fact, I want to begin by commending my colleague from Connecticut, Congresswoman NANCY JOHNSON, who is a leading Republican Member of the House. To her great credit, she was able to restore some of the funding for the child care block grant. She could only go so far, quite frankly, with her amendment to beef up the funding in that area in the House package, but we are still terribly short of the child care needs in this Nation.

There are some 10 States that have waiting lists of over 10,000 people for existing child care slots before we move people from welfare to work. In Florida, I think the number is 23,000 on the waiting list. In Georgia, it is in the neighborhood, I think, of 15,000, to cite two States that come to mind immediately.

As we now try to move people from welfare to work, we have to try to come up with a decent approach to how we care for these children. And yet, in this rescission package, we find again several millions of dollars in cuts in the block grant going back to the States, despite the fact there are already literally hundreds of thousands of people on waiting lists. As we move people from welfare to work, then obviously there is a heightened degree of demand for those slots and additional slots. Again, without even expanding the present need out there, we are cutting into the present need as we move people in that direction.

The WIC Program—Women, Infants, and Children—again, this is a program for which I do not know of dissenters, never heard of them here, because there is the general conclusion that investment in these nutrition programs in the earliest stages of a child's life—in fact, earlier for pregnant women—have made tremendous gains for us, not only ethically and morally, but fiscally in this country. We know today that a dollar invested in the proper care of a pregnant woman and an infant saves \$4 later in health care costs. Those numbers are not being made up. Those are the facts. Why in the world would we be making a significant cut in the Women, Infants, and Children Program, recognizing that it is going to cost us that much more down the road if we do not make those kinds of investments?

I might point out, I joined last year with 70 of our colleagues—70—70 percent of this body joined as cosponsors for full funding of this program. Now we find, again, not only are we not reaching the full funding, we are cutting into the dollars that are necessary just to maintain the program at its present level.

In education, again—I hardly think it needs repeating out here—the investment in the educational needs of our children are just going to be greater year after year. Here we had the Speaker of the House offer a suggestion that there ought to be a tax break given to people who make a donation of a computer to children. People laughed at it. They said, "That's a silly idea." I do not think the Speaker was silly at all. You might argue about whether or not a tax-cut approach is the best way to go, but his instincts were absolutely correct.

Today, if you are not computer literate coming out of an educational system, you are so disadvantaged, and I am not talking about jobs with investment banking firms or insurance companies or defense contractors. Even the most basic simple functions today require a literacy in computer technology. And here we are making a \$100 million cut in a program to provide computers for children in our school systems.

I do not understand what the thinking process is if we expect to grow economically. The best deficit reducer is a growing economy, people at work. That is the best way to cut into this deficit.

If we deny these young people the tools they are going to have to have to get the best possible paying jobs in the future, then we are going to see the obvious effects.

In Goals 2000, again, we had increases for disadvantaged children, Mr. President. To see 70,000 disadvantaged special-needs children being dropped off the list of getting help because of a \$73 million cut in this \$13 billion package, again, I do not understand the importance of that.

In a sense, maybe this one particular issue has more poignancy for me. I have a sister, Mr. President, who is legally blind, who has been a teacher for 25 or 30 years. In growing up, my parents were fortunate enough to have the resources to make the investments so that my sister could get all the benefits of someone who was disabled.

As a result of that, today she has made a significant contribution. She has taught in the largest inner-city elementary school in the State of Connecticut, helped provide the Montessori system of teaching in this country, has two master's degrees, has been a highly productive citizen, and has made a significant contribution. What would my sister's life be like today had she not grown up in a family that had the resources to make those kinds of investments for her? Would she be as productive? And what will happen to these children today that we are cutting out

of these title I programs? What happens to them?

Again, I thought most people in this country understood the value of investing in these kids so they maximize their potential, become self-sufficient, become productive citizens to the maximum extent possible, and here we are now going to eliminate some 70,000 of these children and their families from that kind of assistance and support.

Again, I do not think that is what the message was. I think people understand that those kinds of investments truly do make a difference in the wealth of the Nation.

Let me if I can, Mr. President, move, because I know the time is moving fast here, to the national service issue.

Again, there is a significant cut here. I want to thank the distinguished Senator from Missouri, Senator BOND, and others, because they did a lot better than what was in the House bill.

I think it is important that people understand we are talking about a difference here between what was in the House and what is in the Senate package. Mr. President, I think this national service idea, the one that enjoyed such broad-based support only a year or so ago, deserves the strong backing of our colleagues.

Again, let me cite a personal story if I can. Mr. President, 35 years ago another American President challenged a generation by serving in something called the Peace Corps. When I was finishing up my college, I heard that challenge and it excited me. And I served for 2 years as a Peace Corps volunteer in Latin America, in the Dominican Republic.

I think it was a tremendously valuable experience. The total cost for my 2 years was about \$5,000. That was about \$100 a month I got paid as a volunteer, and whatever benefits they provided. I think the total amount was about that.

This program here is a national service program, but not to serve overseas. This American President said, "I think voluntarism and serving one's country has tremendous value, and I am going to link it with educational benefits. How about serving here at home, instead of going overseas." Lord knows, we could use the investment.

It was exciting and generating a lot of enthusiasm, particularly among younger Americans, to answer the call. Presently 20,000 young Americans have answered the call to serve their country. That is a remarkable, remarkable return on such a call.

In the Peace Corps days, we did not get anything like that, in the number of people stepping forward to volunteer. Here, 20,000 Americans already, in a little over a year, have stepped forward to volunteer, to try and make this a stronger and better country and reduce costs.

They have taught or tutored some 9,000 preschool children. Mr. President, 9,000 preschool children have benefited as a result of the AmeriCorps Program.

They have established after-school and summer tutoring for more than 4,000 young children. That is just in the first year or so of this program. They have organized, and supervised community service projects for more than that 4,400 children, cleaning up neighborhoods, delivering food to the elderly.

In return for their service, of course, these members earn an educational award worth about \$4,700 to pay for college courses. What better tradeoff could we be getting, than asking Americans to step in and help out in needed communities, help needy citizens in our country, in return for which they get assistance to go on to higher education. Again, all of us recognizing, I think, the value of trying to defer those costs.

Mr. President, the Daschle amendment includes funding for these programs, restoring them, in the areas of nutrition, education, and AmeriCorps, the volunteer program, that are critically important for disadvantaged children. These are small investments to be making, and yet the return to our country is invaluable.

There are many people who remember the GI bill and VA mortgages. In early 1950 dollars those were expensive programs, they were not cheap. Yet, I do not know of anyone who would say it was a bad investment to make when we asked the taxpayers of this country to invest in the education needs of another generation of Americans. That is what we are doing here.

To come out on the very first efforts, the very first targets, the very first constituencies that are being asked to bite the bullet are the ones that we will be counting on in the future to make this a stronger, a healthier, more vibrant country in the 21st century.

Mr. President, I would hope that the Daschle amendment would be supported. I would hope that we could get an up-and-down vote on these matters, and not cloud and obfuscate the debate by engaging in procedural tactics here that avoid debate and discussion in votes on the issues that are the substance of the underlying bill.

It seems to me no one is well served by that tactic. It only indicates to many Members that there is somehow some fear about having the kind of votes on these issues that this Chamber ought to, if we are going to accept the kind of cuts that have been proposed.

Mr. President, I hope we can get back to this debate, that we can consider the Daschle amendment, and not see matters be brought up that properly belong on a foreign relations bill and not on a rescission bill dealing with the economic needs of our Nation.

Mr. President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:15 p.m., recessed until 2:23 p.m.; whereupon, the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. Senators will please take their seats, clear the aisles, and cease audible conversation.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The majority leader.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 451, AS MODIFIED, TO  
AMENDMENT NO. 450

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Dole amendment No. 451 to the Wellstone amendment.

Mr. DOLE. Mr. President, I send a modification of that amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. It is so modified.

The amendment (No. 451), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND  
RELATED PROGRAMS  
BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE PRESIDENT  
DEBT RESTRUCTURING  
DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, \$275,000,000, to remain available until September 30, 1996: Provided, That not more than \$50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

#### MORNING BUSINESS

Mr. DOLE. Mr. President, I have been asked if we might have a 10-minute pe-

riod for morning business. I ask there be a period of 10 minutes for morning business, 5 minutes to be used by the Senator from Maine and 5 minutes by my colleague from California.

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

Mr. KERRY. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. KERRY. I ask him what his intention would be after the morning business. Would we go back to the amendment?

Mr. DOLE. I will have a discussion with the distinguished Democratic leader during the 10 minutes to see.

Mr. KERRY. I thank the Senator.

Mr. DOLE. Does the Senator need morning business time?

Mr. KERRY. No. Mr. President, I had wanted to address the bill itself.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Mr. COHEN pertaining to the introduction of S. 664 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

#### UCLA'S VICTORY

Mrs. FEINSTEIN. Mr. President, I rise today to honor a great team, a great school, and a great State. It is fair to say that California has had its share of troubles, but it is also fair to say that we have had our share of victories.

We had a great victory last night, when the UCLA Bruins defeated the University of Arkansas Razorbacks for the NCAA Men's Basketball Championship.

The victory was all the more impressive because they did it without the play of Tyus Edney, their little floor general.

In his absence, the rest of the team stepped up to the challenge. They broke the aggressive defense of the Razorbacks, which has been described as 40 minutes of Hell.

They won with a combination of youthful enthusiasm, guts, teamwork, and stamina. And they won under the watchful gaze of the Wizard of Westwood—the legendary retired coach, John Wooden.

UCLA pulled down 50 rebounds, 21 of them at the offensive end.

Ed O'Bannon, the senior who battled back from knee injury, played the entire game last night and was named Most Outstanding Player.

Toby Bailey, the freshman phenomenon from Los Angeles, had 26 points. It was a masterful performance against a great opponent.

This is the 11th championship by UCLA, and the first for Coach Jim

Harrick. John Wooden won a remarkable 10 tournaments in 12 years between 1964 and 1975. Now, for the first time in 20 years they will be able to hang a national championship banner at Pauley Pavilion.

Being the Senator from California, it is with great pride that I point out that four out of five starting players are from California: Tyus Edney from Long Beach, the sensational brothers Charles and Ed O'Bannon from Lake-wood, and freshman Toby Bailey from LA.

Other Californians on the team are J.R. Henderson, Bob Myers, Kris Johnson, and Kevin Dempsey. I am proud to say that not only is it a California school, it is a California team. Other players contributing to last night's victory were sophomore Cameron Dollar and senior George Zidek, an Academic All-American. The players on this team are worthy successors of the greats of a generation ago: Alcinder, Goodrich, Johnson, Walton, and Hazzard.

I would like to extend my sincere condolences to President Clinton and the Razorbacks. Obviously, they made a good show. But this win is particularly significant because California has been through a period of fire, flood, earthquake, and major grief. And when teams like the San Francisco '49ers win a Super Bowl and the UCLA Bruins win the NCAA Championship, it brings people together and it shows the spark and spirit of what made this State so great in the first place.

It was a special win. My sincere congratulations to UCLA. I know I am joined by my colleague, Senator BARBARA BOXER, and by every Member of this Senate in saying it was a job truly well done.

Mr. KERRY addressed the Chair.

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

#### ORDER OF PROCEDURE

Mr. KERRY. Mr. President, it is my understanding that the leaders wanted to confer. I do not know if that conference has taken place and a decision made. I did have an amendment I was prepared to offer.

Mr. LOTT. Mr. President, I request of the Senator that he withhold. I believe our leaders are both conferring and prefer not to go forward at this point until they can have that meeting.

Mr. KERRY. Mr. President, if I may then, I ask unanimous consent that I be permitted to speak as if in morning business for a period of time.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, the leader did get 10 minutes time in morning business.

Mr. KERRY. If I could have 10 minutes, Mr. President, I would appreciate it.

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

The Senator from Massachusetts.

#### THE DOLE AMENDMENT

Mr. KERRY. Mr. President, I am not going to talk about the amendment that I do want to offer at the appropriate time, providing we continue with this bill. But I would like to talk for a moment about an item that is in the underlying bill. I understand the underlying bill is the House bill which has been amended by the committee amendment, by the Daschle amendment, and by the Dole amendment. So there is a complicated stream here, but I am addressing my comments to the underlying bill and to the Dole amendment itself.

One of the things that we have heard the most discussion about in Washington, indeed in the country, is the problem of violence in our streets and the problem of our young people. I do not think there is a Republican or a Democrat who has not run for office talking about values and the importance of trying to transfer values to the young people of this country.

The real test of this country, certainly of the U.S. Senate and the House, will be our ability to keep faith with the American people and translate the rhetoric into some kind of substantive approach.

Now I do not come to the floor with the notion that the Government has all the answers. I think we have been sobered up and learned a lot in the last years. And I do not come to the floor with the notion that the only way to try to deal with the values issue is to have a Government incentive or a Government program, but we have to be honest. At the same time as we admit that reality, we ought to also admit that there are programs that make a difference; that there are certain things that the private sector will not do for itself; that there are certain kinds of initiatives that only get started by virtue of the leverage provided by the public sector which empowers the private sector or nonprofits to be able to make a difference in the lives of other human beings.

One of the cuts that takes place in the underlying Dole amendment, which I must say, I do not know if it is intentional. I do not know if the Senator from Kansas, who I know to be somebody genuinely concerned about these matters, is aware that this slipped in there or is in there. But the effect of the Dole amendment is to cut one of the most significant programs of accomplishment in this country and it runs completely counter to the talk of returning responsibility to the local level, because this amendment takes resources directly out of the communities and out of the private entities, the self-started entities of communities, and strips them of their ability to make a difference in the lives of our kids.

Mr. President, the amendment that I am referring to, or a portion of the

Dole amendment, takes \$38 million from one of the most successful programs of community investment that we have in this country, a program called Youth Build.

Last night, I had the privilege of being in Boston attending the only dinner of its kind in the country about Youth Build. Youth Build is a program that began 5 years ago. It began in Boston, but it is now in 40 cities in America. There are 105 units around this country that seek funding from HUD for Youth Build. Mr. President, there are only two staff people at HUD managing this program—two staff people. So this is not a bureaucratic boondoggle. This program provides money directly to local communities. It does not go to the State. It is not chewed up in the administrative process. It goes directly to local communities. There is no bureaucracy here. There is no waste here.

There is a tremendous record of success. Last night, I saw a film about graduates of this program. One of these graduates was not too long ago in prison. Another graduate was a member of a gang. Another graduate was a drug addict. Today, they are employed in the private sector. They are leaders in the community; they are in college; they are managers of our Boston Harbor project; they are involved in engineering; they are in carpenters unions; they are apprentices. For the first time in their lives, they are making it, and they are making it because this program reached out into the community to these kids and took kids who had dropped out of school, who have no family connections, and gave them a purpose in life and a skill.

What Youth Build does is take these kids and puts them into 1 week of high-school equivalency and 1 week on a site in an old abandoned home donated by the city, labor donated by the architects of the city, the carpenters union donating the skill, and all of those are married in a synergy that brings those kids into the first-time environment they have ever had that gives them a sense of purpose, a sense of responsibility and accountability, not just to society around them but to themselves—each and every one of them.

That is values. That is values transfer. Mr. President, it just does not make sense to take the few hundred bucks per person that you are stripping away and leave them with the possibility of our spending \$30,000 to \$50,000 a year to house them in a prison somewhere down the line.

In Boston alone, there are 10 kids applying for this program for every 1 that gets into it. Mr. President, I do not hear people running around the Nation saying this is where the waste is. I do not hear people saying cut those programs that put kids into a useful environment. I do not see some great hue and cry in the country saying, "We're going to throw you all out of office if you don't cut the money for Youth Build." But we are cutting it, and the

question has to be asked, why? What is the rationale?

We all understand we have to cut somewhere, but does it make sense to be cutting this program and then turn around and spend a huge amount of money on the Market Promotion Program, for instance, where we give money to McDonalds and a whole bunch of big companies to sell their goods abroad, companies that can afford to advertise on their own?

Mr. President, we have some \$85 million, I think it is, in the Market Promotion Program. The Market Promotion Program gives Tyson Foods \$937,000; International Foods, \$179,000; Gold's Gym, \$226,000; Mott's International; Pepperidge Farm; Tropicana; Entenmanns; Tootsie Roll; Beer Nuts; Ocean Spray; Friendly's; Gortons; Perdue; Giant Food; General Mills; Pillsbury; Ralston Purina; M&M Mars; Campbell Soup; Haagen-Dazs; R.W. Frookie; Snapple; Chichita; Borden; Hershey; Brach's Candy; Miller beer—they all get money, but Youth Build is not going to get money.

It does not make sense, Mr. President. I think what the American people said last November is, "We want you to express some common sense on our behalf," and, for the life of me, I do not understand why we would want to be cutting a program like Youth Build which has been proven to work.

Last night, I listened to a young man by the name of Robert Clark. Robert Clark was in prison. Robert Clark is now a full-time student at a well-known university on the east coast of the United States. He is doing well. He has testified before committees in the Congress. He has done an extraordinary job of explaining to people the connection between a program like Youth Build and his capacity to rejoin society as a productive member. It just seems to me that if you are going to talk about investing in the future of this country, we ought to remember what makes a difference, Mr. President.

Robert Kennedy spoke of this in 1968 in a high school in Scottsbluff, NE, and he talked about the sense of community that we ought to be celebrating in a choice like this with respect to Youth Build. He said:

At every critical mark in our history, Americans have looked beyond the narrow borders of personal concern, remembering the bonds that tied them to their fellow citizens. These efforts were not acts of charity. They sprang from the recognition of a root fact of American life that we all share in each other's fortunes, that where one of us prospers, all of us prosper, and where one of us falters, so do we all.

He said in 1968, and we ought to think about it again as we make these choices in 1995, that:

It is this sense, more than any failure of good will or policy, that we have missed in America.

Mr. President, in the course of exercising choices in this legislation, it seems we are perhaps about to again miss that in America, and I hope we

will not. I hope we will recognize that perhaps this is an oversight, and we should make a different judgment.

I yield the floor.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I rise today to urge the Senate to support an effort to restore funding to the Corporation for National and Community Service. The case for national service depends on understanding that it uniquely offers a triple investment in the future productive capacity of our people and our communities: First, the service performed; second, the service experienced; and third, the postservice educational benefit.

I know the word "investment" has been abused and debated on the Senate floor over the years. For some, it is just a code word for Government spending. We must not, however, become so cynical that we do not see a real investment when a payoff is staring us in the face.

The first component of benefit of this investment is the word in the name of the organization—service. Critics have tried to attack national service in a number of ways.

During the debate on the authorizing legislation, we heard cries about how many more Pell grants we could fund with the money, or how many more job training programs we could fund with the same money. Though these criticisms make valid points as far as they go, they lose sight of the crucial fact that national service does not exist to provide student aid or job training. The most important benefit of this program is the service provided by AmeriCorps members.

Mr. President, I visited a number of these AmeriCorps projects, and before that, the national service projects that were the pilot projects authorized before this program. I have seen young people in a small town of Vidalia, GA, helping teach Spanish to young students that did not understand basic Spanish. Most importantly, these students were filling a huge void where there were no Spanish teachers in the community by helping immigrants learn to speak English, because they had no way of learning without someone who could converse with them.

I have seen young people also in the same community and in Thomson, GA, helping in nursing homes in crucial kinds of occupations with our elderly

citizens. I have seen them in homes for the elderly. I have seen them helping the elderly stay in their own homes, which is most important in terms of both their quality of life and in terms of actually saving taxpayers' dollars.

I have seen them in tutoring and mentoring positions for young kindergarten, first, second and third graders in inner-city schools. And I have seen them in connection with Habitat for Humanity building new homes for needy families and have begun construction on many other homes.

I have seen them in many other occupations, as have others who have observed this program throughout the United States.

The second kind of benefit national service provides is the personal and civic development of the participants. In recent years, too many Americans have forgotten the relationship between rights and responsibilities. We often see reports in the news media about various groups or individuals proclaiming that this Government service or that protection is a right. We are all so often reminded of the rights all Americans should enjoy that we lose sight too often of the other side of the same coin: The responsibilities that we share in order to make the rights possible.

Just as we have rights to freedom, to life, liberty and the pursuit of happiness, those sacred rights carry with them equally sacred responsibilities.

National service is reconnecting the relationship between the two fundamental tenets—rights and responsibilities—of our democracy for thousands of young people. This program provides young people with opportunities to fulfill that obligation to give something back to their country and to their communities.

The third kind of benefit which is derived from the national service program is the postservice educational benefit. As most of my colleagues will agree, education is the best indicator we have of upward mobility. Not only does the participant increase his or her potential to get a high-paying job and become a contributing taxpaying member of the community, the community also benefits from citizens who run businesses, citizens who pay taxes, citizens who participate in civic organizations, and citizens who contribute to the community.

This sort of educational assistance becomes even more important in a time when our more traditional forms of educational financial assistance are facing severe funding restrictions and reductions.

I hope all of my colleagues understand this is not a program which fills members' time doing calisthenics or singing "Kum Bah Yah" around the campfire. They perform hard work desperately needed by local citizens, governments and businesses that is not being performed by others in the community.

They get their hands dirty. They are tired at the end of the day. They occasionally pound a thumb with a hammer in the building occupations which many of them are doing.

The bottom line is that the work they do is needed by our communities. Along the way, they acquire real world skills and maturity that will make them better citizens and help the country.

For Congress to decimate this program at a time when it has only begun, before any organized results can be compiled, would be to sell this program, and I believe our young people, and our Nation short.

There is a good analogy, Mr. President, to be found between national service and our Nation's Armed Forces. We do not maintain Armed Forces in order to provide valuable skills and develop good character in young men and women. Rather, Armed Forces personnel develop skills and character in the military as they carry out their primary mission of providing for our Nation's security. The same is true of national service. Members perform crucial important services in their communities, and along the way they gain important life skills.

Additionally, we often hear from some critics who attack national service as coerced voluntarism—as if the provision of a stipend for living expenses somehow cheapens the service performed or stains the motives of the participant.

I note the critics seldom raise the same objections to our Nation's All-Volunteer military force. I believe these points are made very clear in a recent op-ed by Charlie Mosk, a respected sociologist at Northwestern University, and I ask unanimous consent that this op-ed piece be reprinted in the RECORD.

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

[From the Chicago Tribune, Mar. 14, 1995]

BUILDING A CONSTITUENCY FOR NATIONAL SERVICE

(By Charles Mosk)

My first and only meeting with Newt Gingrich was in the spring of 1981. The second-term congressman already had a reputation for new ideas and he wanted to talk about national service for young people. He certainly seemed supportive of the concept. Yet, Speaker Gingrich is now quoted as "totally, unequivocally opposed to national service." He lambasted the newly established AmeriCorps as "coerced voluntarism" and "gimmicky."

The quick explanation for this turn-around is that the Republican leader is making points against one of the most significant accomplishments of the Clinton administration. With a GOP majority on Capitol Hill, national service is targeted for elimination in the next budget authorization. Gingrich's present hostility to national service also has an upside, however. Now is the time to refocus public attention on the philosophy and program of AmeriCorps. To bring Gingrich back on board, supporters of national service should be responsive rather than confrontational.

First, clarify the terminology. AmeriCorps members are not "volunteers." They receive a minimum-wage stipend and a modest education benefit—\$4,725—for each year of service completed. AmeriCorps participants should be called corps members, servers or enrollees.

Gingrich's designation of "coerced voluntarism" is an oxymoron that misses the point. Does he object when we call our military an "All-Volunteer Force" where soldiers earn a decent salary? Or that a member of the Peace Corps is officially called a "Peace Corps Volunteer" when paid a stipend equivalent to that of an AmeriCorps server? And, while on the subject, let us not forget volunteerism does not always come free, either. In its first year of operation, the volunteerism-boosting Points of Light Foundation, a George Bush pet project, granted \$4 million to service organizations while spending \$22 million on promotions and administrative expenses.

AmeriCorps was set up to be run mainly through local agencies and non-profit organizations. But national service faces a core paradox. Everyone is for local control and decentralization, but only federally-run and centralized organizations have name recognition and credibility. The blunt fact is that not many Americans have ever heard of AmeriCorps and even fewer know what it is doing. Contrast this with Franklin Roosevelt's Civilian Conservation Corps, John Kennedy's Peace Corps and even Lyndon Johnson's VISTA. National service is, after all, national.

Even though the membership of AmeriCorps in its first year, 20,000, is greater than that of the Peace Corps at any time, its visibility does not faintly approach the Peace Corps. More striking, the glow of the highly centralized and Army-run CCC remains strong in the national consciousness, even though it expired a half century ago. Yet, the National Youth Administration, the larger but decentralized contemporary of the CCC, is all but forgotten.

Two changes are needed if AmeriCorps is to capture the public imagination. At the federal level, the National Civilian Community Corps, presently a minor component of AmeriCorps, must become a modern version of the CCC, one of the most successful programs of the New Deal era.

At the local level, AmeriCorps must focus its mission. Currently, it does too many things leaving a diffuse image. An impressive example of what national service can do comes from Germany. Conscientious objectors to the draft perform alternative service. One key duty—meals on wheels, transportation to shopping and medical facilities—allows the elderly to continue to live in their own homes. Savings are tremendous. The value of each server is estimated at more than \$25,000 per year above costs. These "civilian servers" are now so highly valued that they are used as an argument to maintain military conscription.

Whether federally or locally organized, the emphasis in national service must always be on the service delivered, not on the good done for the server. AmeriCorps tends to get mushy—or, as Gingrich puts it, "gimmicky"—on this score. Proponents of AmeriCorps too often stress how community service benefits the young person, rather than what the server is exactly doing. Young people doing calisthenics in youth corps T-shirts is not the way to guild a constituency for national service.

We do not have armed forces to mature young men and women. But the military performs these functions well precisely because it is not defined as remedial organization. The same must be the case for civilian service. We should remember that when FDR in-

troducted the CCC, he stressed the concrete works that would be accomplished not the self-improvement of the corps members. The standard for AmeriCorps should be simple: If the server disappeared would anybody miss her or him?

Another trouble spot must be pointed out—a skewed political base. Support for youth corps is by no means to come across that way. After all, it was the centrist Democratic Leadership Council that initiated the contemporary move to national service. Conservative icon William F. Buckley Jr. has long been an eloquent advocate for the cause. Liberal proponents of AmeriCorps must practice diversity when they seek counsel on national service. Bipartisan input is a prerequisite of bipartisan support.

One more thing liberals ought to raise with Newt Gingrich. Without AmeriCorps who will staff all those orphanages coming on line?

Mr. NUNN. We call the military services now a volunteer force, but they are paid substantially more, even at entry levels, than any of the young people in national service. I think that is appropriate.

The educational benefits are also higher, substantially higher, than the national service educational benefits. If we add educational benefit to the total pay package, there is no real comparison between the pay and benefits of the military, which is much higher than national service, and that is the way it should be, because military personnel are also in harm's way on many occasions.

It is a different occupation, but the thing that is very similar is that they are both called voluntary and they both are voluntary. No one is compelled to take either occupation or either program.

I think we should be very careful in saying on the one hand that national service is not voluntary because these young people are being paid, and the military is voluntary because they are also being paid and they are also in many of the occupations, getting special bonuses. They are still volunteers.

Considering all the benefits national service provides, at the community level, it is difficult to see why some of our colleagues object to it. Indeed, given the debates we have heard on unfunded mandates legislation and the, I think, justifiable move for continued devolution of responsibilities from the Federal to State and local governments in this body, I would hope that our colleagues would agree that national service represents the type of government we ought to support.

National service is not a Federal mandate for any specific type of service. That is left up to the communities, and the communities decide whether they want to participate at all. National service gives communities and service organizations the chance to voluntarily identify and perform the kind of service which best meets the local need, with the Federal Government providing most, but not all, of the funding.

At the same time, it allows young people to serve their communities and

to address real problems without Federal micromanagement.

Finally, Mr. President, I would make the point that the proposed rescission of national service funds is, to say the least, premature. The first full funding year is only half complete and the data on the programs' accomplishments is only available in anecdotal form.

We need analysis on the program. Rather than making a decision to cut this program based on incomplete information now available to the appropriations process, we should save this debate on the scope and the direction of the program for the authorizing committee next year, when more complete information is available.

I am confident that the program, if given a chance to do so, will admirably prove its worth. At least we should give it a chance.

Mr. President, I urge my colleagues to restore funding of the national service program. I urge them not to fail the students and the young people who are learning maturity and life skills through their service in the program. Most important, I urge them not to fail the communities, the churches, the schools, the businesses, and the individuals who benefit from the hard work of our young people. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SANTORUM. Mr. President, I ask to speak 5 minutes as in morning business.

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

Mr. SANTORUM. Thank you, Mr. President. I wanted to respond to the Senator from Georgia, who I have the utmost amount of respect for, and respect his views on the national service plan. I just happen to disagree with them. I wanted to comment on a couple of the points he made.

I have heard often this analogy that national service corps members are volunteers as much as people who are in our military are volunteers because we have an all-volunteer force. The reason we call it an all-volunteer force, it is the only area that I am aware of where we have the Government authority that can force people to do something they would not otherwise do. Force people to work. In other words, work in the military.

The Government, through our authority as a Government, can if we so choose, force people, conscript people into the military.

As I am sure the Senator from Georgia knows, there is a whole body of employment law out there that says an employer cannot force an employee to perform for the employer. If I am an

employer outside of the government, outside of the military—not just outside of the government, outside the military—I cannot force someone to go to work for me. If a person wants to leave my employment, I cannot force them to stay.

So the reason it is called a volunteer army is because the military has the authority to make a person work for them even if they do not want to.

To suggest that AmeriCorps and national service is volunteer, based on that motto, makes me a volunteer. No one forced me to run for the U.S. Senate. So I guess I volunteered for it. So I guess people could call me a volunteer. The young lady standing in front of me who is taking down my words, is, in fact, a volunteer. No one made her take this job. She took it because she volunteered for it.

So we are all volunteers. Well, that is nice. That is sort of fuzzy and makes the waters a little murky. If we are all volunteers, then—none of us are volunteers, really. And that is really the point. This is no more a volunteer than any other job in any other agency of the Federal Government.

In fact, I believe the Senator from Missouri who came up here yesterday, Senator BOND, had a chart that showed that about 10 percent, or 15 percent of AmeriCorps employees work for the Federal Government, work for the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Department of Energy, the Department of Agriculture, the National Endowment for the Arts. A lot of them are, in fact, plain old Government employees, paid for through this AmeriCorps Program.

I just hope we get the rhetoric right here. This is not voluntarism. There really is not any other example that would suggest that someone who is making what an AmeriCorps volunteer makes is a volunteer.

Senator GRASSLEY was on the floor yesterday talking about employees from ACORN, which is a housing organization, funded with \$1 million for AmeriCorps. The average cost for each AmeriCorps volunteer is \$41,000. That is what each ACORN volunteer is paid in compensation packages, from the Federal Government.

The Legal Services Corporation has a \$1 million AmeriCorps grant. These volunteers make \$48,000 a year. Now, it is hard to sell, at least to me and I think a lot of Americans, that people making that amount of money are truly volunteers.

What the Senator from Georgia did say that I agree with is that there are worthwhile projects going on within AmeriCorps. I do not think there is any question there certainly is a need to help children learn how to read or help people who need some assistance. The AmeriCorps program does fill in some gaps and holes and can be very helpful.

What I have suggested in the past, and I suggest to the Senator from Georgia, is that there will be a bill

coming to the floor of the Senate this year, and it is a welfare reform bill that is going to have work programs in place for people who truly are in need of the work experience, the training, the education. Those people are the folks we should be targeting these kinds of projects on, these kinds of duties that can be done by people who truly need them.

The problem with AmeriCorps is you do not have to be poor to be in AmeriCorps. You do not have to be young. You always hear people defending AmeriCorps, saying, "All these young people, we need to help them." You can be in AmeriCorps if you are 60 years of age. You can be in AmeriCorps if you are a millionaire. There is no age limitation up to 60; there is no limitation on income. In fact, 25 percent of the people already in AmeriCorps have family incomes of \$50,000 or more.

So when you hear of all these wonderful images of poor young children out there doing these things and this is what these programs are for, that is just a few examples. That is not the norm. What we should do is take this idea of community service, which is a very beneficial one, and focus it on the people who need it the most and create those work programs for the people who are already receiving the Government benefit, and that is people on welfare who desperately need, desperately need the opportunities that these kinds of worthwhile jobs—and many of them are worthwhile jobs—would have.

So I am not against community service. I do not think anybody who stands up here says we are against community service. We believe community service is a laudable thing. We also believe it should still be a volunteer thing, not a paid position.

I think it undermines the whole volunteer spirit in America if you take a selected class of people and say these people are somehow better volunteers, and therefore should be paid, than those who are not.

So again, I commend the Senator from Georgia for his idealism, but I think we can better focus it on the people who are in need, the people who already receive Government assistance, the people who need the opportunity to move forward as opposed to folks who are being targeted for the AmeriCorps Program today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Madam President, the leaders of both parties have been meeting and working on an agreement and I believe we are about ready to make some requests here. I understand perhaps we will be ready to go with that in just a moment. So in order to facilitate the distinguished Democratic leader, if I could at this point observe the absence of a quorum so we could get this unanimous-consent agreement put in.

Mr. EXON. Will the Senator yield for a question?

Mr. LOTT. I will be glad to yield for a question. We want to get this unanimous-consent request as quickly as possible, but I will be glad to yield to the Senator.

Mr. EXON. Do I understand from the Senator from Mississippi that finally, at long last, the two leaders are working and are, according to the information that he has, about to come on the floor to outline some unanimous-consent type of agreement that will move the process ahead?

Mr. LOTT. I believe that has been occurring. I know the leaders met within the last few minutes and they are looking over an agreement which we hope to be able to announce momentarily. I see the distinguished Democratic leader is here, so maybe we are ready. We are not quite ready yet?

Mr. EXON. I was about ready to try to get the amendment before us set aside for the purpose of calling up an amendment that I first presented at the desk way back last week, sometime Friday. I had it ready Wednesday, almost a week ago, and have been trying to accommodate everybody else. But there does not seem to be much accommodation.

But I guess I can wait for another 10 minutes to see whether or not we can bring some reality out of the morass that we seem to be in from the standpoint of procedure in the Senate as of now.

Mr. LOTT. I believe the Senate is underway and I thank the distinguished Senator from Nebraska for his patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SNOWE). Without objection, it is so ordered.

#### SELF-FUNDING FOR PUBLIC BROADCASTING

Mr. PRESSLER. Madam President, I rise to speak on a portion of this consideration regarding the Corporation for Public Broadcasting. It has been my concern for some time that we could make the Corporation for Public Broadcasting self-funding, or, if I may use the term, privatized, although I think self-funding would be better.

Presently the Corporation for Public Broadcasting is a private corporation with Federal funding. At the end of their programming each day you see it says, "The Corporation for Public Broadcasting funded by the Federal Government"—a private corporation funded by the American people.

I am of the opinion that through a program that I recently presented in the Washington Post, the corporation can become private, can become self-funding, and it is not necessarily by in-

creasing advertising. It is rather by digitizing, compressing its programming, and making it available for sale to such outlets as Arts and Entertainment, to the Learning Channel, to the History Channel, and to the hundreds of new video dial tone channels that are springing up across the country from the regional telephone companies.

Also, the Corporation for Public Broadcasting and its public broadcasting entities could get a great deal larger percentage of the things that appear on the free public platform. They have already voted to start getting a larger percentage of that.

For example, whether it is Barney, or whether it is Bill Moyers' Journal, or whatever else, if there is money made from the sale of tapes of that show and paraphernalia, I think the taxpayers ought to be entitled to 20 percent or 30 percent of it—or maybe more—whatever they can negotiate in a business-like way.

In addition, public broadcasting will be digitizing and compressing parts of its spectrum, and they can rent part of that spectrum or sell it or use it in some way, and they can have far more money than they have now.

So my point is, Madam President, that the Corporation for Public Broadcasting and the other public broadcasting entities are sitting on a treasure trove that they can utilize. The taxpayers of this country do not have to subsidize them. They can do just as well. They can provide more money to rural radio and TV and more money to children's programming than they are now.

If this body wishes, when it comes to zeroing out and to replacing over a 3-year period or 2-year period their moneys, they can place a requirement for certain rural programming and for children's programming—just as when Conrail was privatized on this Senate floor and we placed certain covenants or requirements on Conrail to provide certain local service, just as we require airlines to provide certain safety for the public, just as we require that other private companies meet service requirements, such as the regional telephone companies who have a universal fund to provide long-distance services in rural areas and small towns. All of this can be done.

Vice President GORE talked about reinventing and privatizing. I think and have thought that the Corporation for Public Broadcasting, the Public Broadcasting Service, and National Public Radio can do so.

Madam President, the defenders of the status quo have waged a nationwide campaign that is very misleading. They say that Senator PRESSLER and others are out to kill Big Bird or out to kill rural radio. Is it not strange that they do not talk about cutting anything inside the beltway? When we look at the National Public Radio building and its equipment; at the Corporation for Public Broadcasting and its salaries; at the nonprofit organiza-

tions that have sprung up alongside that receive their grants and which in turn pay salaries two and three times higher than Senators make—we should remember that this is taxpayers' money.

So I join in this effort that is on the Senate floor, and also I am working with the Budget Committee to have a 3-year plan to phase out the Federal subsidy.

Earlier this year, Madam President, there was some controversy about a questionnaire that I sent to the Corporation for Public Broadcasting. As chairman of the oversight committee, I asked a lot of questions about where and how the money moved. In my State of South Dakota, we get \$1.7 million from Washington, DC, but instantly have to send over \$1 million back for programming. My State and small rural States should be able to shop around. Maybe they would want to buy some digitized compressed programming from Arts and Entertainment, or from Nickelodeon. This children's programming is marketed to France, incidentally, and dubbed. It is about the only cultural import the French welcome, educational children's programming made privately.

The point of the whole matter is that there are plenty of opportunities for public broadcasting to make money, and it is most unfortunate that they are not carrying that out. But they put forth the argument that we are trying to take away children's programming and rural radio. That is not true.

In my State, our State legislature voted down a resolution urging that more Federal moneys be sought for the Corporation for Public Broadcasting because people understand that there is a very misleading campaign underway here. My State is one of those that has the most rural radio perhaps of all.

Let me say, Madam President, that I have contributed every year to public broadcasting, long before this debate. I contributed again this year because I think it has its place. But those small States are not getting their fair share under the present formulas that are used. And far more of the moneys go to grants to their favorite foundations and nonprofit groups here inside the beltway that pay salaries up to \$750,000 a year as Senator DOLE published on this Senate floor, and other salaries of \$450,000, and so forth. Those are taxpayers' dollars, incidentally.

So the next time someone comes up to me and says, "Ah, you are against rural radio," I would say to them that one salary here paid at the favorite foundations of the Corporation for Public Broadcasting is greater than my whole State gets in a year's time.

So let us put things into perspective. The Corporation for Public Broadcasting and its related entities here inside the beltway have become a bloated bureaucracy, and reform is needed.

They are making some reforms now, and I commend them for those reforms. One of the reforms was that they voted

to start getting a percentage of those items that appear and make profits on the free public platform that is provided. Another reform that they are making, I believe, is that they are starting to learn to partner with the information superhighway to compress and digitize their programming and sell it, or swap it, and that is something that I have advocated for a long time. So I think what will come out of this is a better Corporation for Public Broadcasting, a better public TV and radio in this country.

So far as the questions that I submitted, they are the same questions that every broadcaster in this country must answer every year regarding minority hiring, but public broadcasting somehow feels they are exempt from it. They have the stories written in the paper that I asked about the ethnicity and race of employees. That is what every broadcaster in this country must answer every year, and every small businessman who has contracts with the Federal Government can be called upon to produce at any time. And they also, if questioned, have to say who the minorities are. It is alleged, though I cannot prove it or disprove it, that they do not meet their minority hiring requirements with permanent employees. They do it with part-time employees. A small businessman in my State can be prosecuted for doing that, but they think they are exempt from responding to the committee that has oversight, apparently. So I find that the attitude there is very unusual.

Now, I have another interesting thing that I learned, which is that the reporters who wrote about this for the New York Times and the Washington Post, coincidentally, are paid to appear on public television, although they did not say that in their stories. It is hard to get a story correct. I do want to commend the Post though. They did allow me to publish an op-ed that laid out my point of view after I met with the board of editors of the Washington Post.

I think what we have is a very arrogant system, from a management point of view, that has been built up in the Corporation for Public Broadcasting. I never really looked into it until I became chairman of the committee this year. That is my job. That is what I am supposed to do. But they are forward-funded through next year. I think the House of Representatives has done an excellent job of laying the groundwork to phase out the Federal funding as they phase in these self-funding devices. That is a positive thing. But the Corporation and its allies have run a misleading campaign around the country telling people that those Republicans are out to kill Big Bird and are out to shut off rural radio. That is simply not true.

Madam President, there are many reasons that the Corporation for Public Broadcasting was created in 1967. But public radio and TV existed before that. I gave my first speech in a debate at the University of South Dakota on

public television in 1963 before we ever had the Corporation for Public Broadcasting. And so I join with my colleagues here on the Senate floor, and I hope I can say I join with the leadership of public broadcasting in this country, to move toward a better system, a system not so bloated with bureaucracy.

In our States, our State legislatures pay most of the costs of our public radio and television. Individual contributors also, such as myself and, I might add, NEWT GINGRICH, have contributed to public radio and TV. The State legislatures pay for most of the public radio and television in this country. The corporation was founded so there would be a national clearing house, so to speak, and it did a lot of good things. But we have now entered an age where it has been proved that this quality programming can be marketed, and their programming could be marketed. It does not need to mean more ads.

Incidentally, public radio and TV in many cases has more revenue from ads than does commercial radio and TV in many markets. That is another unknown. They call them enhanced underwriting, but they are advertisements, and that is fine with me. I think we should analyze the thing as it really is. In the oversight committee, we should look at the facts as they really are, and so for that reason I join in efforts here on this floor to do what the House of Representatives has done, to start a phaseout over a 3-year period of the moneys, of the taxpayers' money. To replace that, there is an abundance, a treasure trove from which it can be done.

Madam President, I ask unanimous consent at this point to have printed in the RECORD my op-ed that was published in the Washington Post that deals with the subject of how public broadcasting can become self-financing.

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

[From the Washington Post, Mar. 8, 1995]

REALITY-BASED BROADCASTING

(By Senator Larry Pressler)

"Public broadcasting is under attack!" "Congress wants to kill Big Bird!" These and other alarmist cries have been common in recent weeks. The problem is they are lies. That's right, lies. I tried to conceive of a more polite way to say it. I could not. With rare exceptions the press largely has ignored the specifics of the position taken by members of Congress seeking to reinvent public broadcasting.

I have struggled to make my position clear. Yet the misrepresentations continue. I am convinced many simply do not care to report the facts—facts they do not find as interesting as the scenarios they create. That is too bad. The average American taxpayer would find the facts extremely interesting.

As chairman of the Senate Committee on Commerce, Science and Transportation, I am not seeking to destroy public television and radio. I am a strong supporter of public broadcasting, both in my home state of South Dakota and nationally. Pull the plug? Absolutely not. Rather, my plan would ex-

pand opportunities and save taxpayer dollars.

Why do I seek change? Because times have changed. Today's electronic media are vastly different from those of the 1960s, when the current system of federal subsidies for public broadcasting was established. The old theory of "market failure" for educational programming is completely untenable in today's environment. Educational and cultural programs can and do make profits when their quality is good and marketing astute. The only money losers in today's arrangement are the taxpayers.

A Feb. 24 Post editorial stated it is time for the public broadcasting industry to face reality. The issue no longer should be whether federal subsidies for public broadcasting will be cut. I could not agree more. Congress now is debating when and how much. The House Appropriations subcommittee on labor, health and human services already has cut the public broadcasting budget. The House leadership promises more to come. I fully expect the Senate to follow suit.

Instead of crying over public cash, it would be more prudent for public broadcasting executives to use their talents and resources developing the numerous potential sources of revenue available to replace the federal subsidy rather than continuing to fan the flames of fear and exaggeration. As captains of a major corporation, their responsibilities should be clear. The Corporation for Public Broadcasting (CPB), National Public Radio (NPR) and the Public Broadcasting System (PBS) need to learn to stand on their own feet.

To help in that effort, I recently provided the chairman of the board of CPB with a plan to end its dependency on federal welfare in three years. Ideas to end CPB's addiction to taxpayer dollars include:

Profits from sales. CPB should renegotiate sales agreements and improve future agreement to get a larger share of the sales of toys, books, clothing and other products based on its programming. In 1990, Barney-related products retailed at \$1 billion! Steps have been taken by the CPB board to improve its share of such sales. More should be done.

Make the most of new technology. Use of new compressed digitization technology would permit existing noncommercial licenses to expand to four or five channels where once they had only one. Public broadcasting stations could rent, sell or make use of the additional channels for other telecommunications and information services.

End redundancy. At least one-quarter of public television stations overlap other public television stations' signal areas. Public radio also suffers from the inefficiencies of redundancy. Ending this overlap and selling the excess broadcast spectrum would provide substantial revenues to public broadcasting.

Switch channels. Moving public television stations from costly VHF channels to less costly UHF channels in certain markets would provide a substantial source of new revenue.

Team with other information services. CPB could increase commercial arrangements in the computer software market and with on-line services.

These are only a few of the ways in which the CPB could reinvent itself into a self-sufficient corporation for the '90s and, indeed, for the next century. Ending federal dependency does not end public broadcasting. Today's subsidy amounts to only 14 percent of the industry's spending! Indeed, my current plan asks the Corporation for Public Broadcasting to end its dependency on federal welfare in three years—that's one year more

than what current proposals would give welfare recipients to get off federal assistance.

It would be tragic if the public broadcasting industry ignores its responsibilities when the federal budget is in crisis. It also would be tragic if the industry spurns exciting opportunities in new markets and technologies. Perhaps most tragic of all, however, would be continued retrenchment from public broadcasting executives crying, "It can't be done." It can be done. It should be done.

CLINTON AND GORE TRY TO SET BACK  
TELECOMMUNICATIONS COMPETITION

Mr. PRESSLER. Madam President, on a second subject, I was very disappointed this morning in a conversation with Vice President GORE to learn that the administration is opposed to my telecommunications bill and that the present plan is to veto that bill if it were to pass. I say that because I believe in this Chamber there would be 85 to 90 votes for the telecommunications bill today if it came up for a vote.

The Vice President said the administration was opposing it for three reasons. First, because they do not like the cable provisions; second, because they do not like the lack of a merger prohibition on regional telephone and cable companies; and third, because they would like to have a Justice Department review, in addition to an FCC review, in determining when Bell companies can enter the long-distance and manufacturing markets.

Madam President, we have worked out these matters. Every Democrat on the Commerce Committee voted for this bill. The administration did not avail itself of the opportunity to come up here during all the long negotiations and let us know of their strong feelings. Then all of a sudden the Vice President is working against having the bill brought up—and announces that the administration is opposed to it. This comes after we have made substantial accommodations and we have worked out the cable and long distance issues.

For example, with regard to cable rate deregulation, the basic tier remains regulated in the bill. The upper tier is deregulated with a bad-actor proviso—that is, rate regulation would be possible if a cable operator charges rates which are substantially above the national average. So there is consumer protection on the cable issue.

And then after 2 or 3 years, or when there is at least 15 percent of DBS—direct broadcast satellite—in a market, basic cable is deregulated. Or when there is video dialtone service present in a market, basic cable would be deregulated. The Vice President feels strongly that this is inappropriate. But this represents a compromise that was worked out between Republicans and Democrats. In fact, every Democrat on the Commerce Committee voted for it. The committee overwhelmingly approved the bill by a 17-to-2 margin.

The next objection was on cable and telephone company mergers. The decision not to put that in was agreed to on both sides of the aisle. The proposal to limit cable and telephone company ac-

quisitions, mergers or joint ventures is redundant, as current law—Hart, Scott, Rodino—already provides antitrust scrutiny in this area.

Regarding the Justice Department, we already have the FCC, with public interest and competitive checklist language, reviewing this. There is no need for a second review by the Justice Department. We are repealing the MFJ. That is the whole idea of this bill, to replace the courts with congressional action. The Justice Department could still bring antitrust action. They have that power on any aspect of American business.

So I am strongly in disagreement with the Vice President's assessment. And I am very saddened by it because it means, as a result of that, we will not be bringing my bill up this week. We will bring it up early after we come back. But I am fearful that during that time this bill will be picked apart by the various interests. It is the sort of bill where we had good momentum until the administration opposed it and began working against it here, working against its being brought up. I ask my colleagues from the Democratic side to contact the Vice President and to persuade him and the administration that this is a good bill. It is the best bill we are going to get. And it is supported across the country.

I am very worried and saddened at the developments that have occurred here. I am determined to go forward. We will get the bill up in April or May. We will proceed with it. This body will vote for it overwhelmingly, and should vote for it.

All the staffs on both sides of the aisle have been involved. I do not think any bill has ever had more consultation or more staff work—without a day off, from Christmas Day, literally—on this bill.

It has been an open, inclusive process. The last time, people complained that nobody knew what was in the telecommunications bill; there was not enough consultation. So we had meetings all day and all night, even Saturday and Sunday, with staff from Members on both sides who were interested. So everyone had their input—except the administration, which never made a peep. Now, suddenly, the administration is actively working to encourage Democratic Members to contact the minority leader's office to keep it from being brought up. And that saddens me a great deal.

I hope, Madam President, that this is merely a delay. We will fight on with this piece of legislation. Probably no piece of legislation this year has been more widely discussed and consulted about. All 100 Members of the Senate have been involved in some way. We are ready to go. The bill is filed. The report is filed. The committee has voted. It has amendments added to it. We need to bring it up and vote amendments on the floor. The country needs this bill.

Now, what will happen if we do not pass this bill? It will reduce jobs and hurt the United States.

This bill has been called a \$2 trillion bill by George Gilder because it will cause an explosion of new activity in telecommunications. It will boost our exports. It will cause a number of new devices to be distributed to the American people.

Presently, we have very little of the so-called information superhighway here. Everybody talks about it. We have cellular phones, some computer Internet, and we have cable TV. But that is all. Most people are not on the information superhighway and they will not be until we pass this bill.

Otherwise, the people who invest in telecommunications are paralyzed, waiting for a roadmap, waiting for the ground rules. In fact, many people who invest in telecommunications are investing in Europe because they cannot get approval, because we have economic apartheid of the regional Bells, economic apartheid of the long-distance companies, and so forth.

So I call upon this administration to listen to the Democrats in this body and to the Republicans, and not to obstruct this bill. Indeed, we will bring it up for a vote. We will get 85 votes on final passage on this bill, or more.

It is very strange. In my time in Congress, in my 21 years, I have never seen a situation where a committee votes out a bill with all the members of the President's party voting for it, and then the administration, which has been absent, announces it is opposed to it and will veto it—without, apparently, consulting with any of the members of that committee. That is very, very strange.

Maybe I am misunderstanding something here. But I do not think I have ever seen anything like that happen before. I think that there is something going on in Presidential politics or something that I am not quite a party to. I find it very disappointing and very strange.

But let me say to all the supporters of the bill not to lose faith. We will carry on. We will pass it. It is going to be tough.

I do not think, in the end, the President will veto it if it is in the light of day and when the country understands what is in it. But if he does, we will override the veto in both Houses, because the votes are there.

Madam President, I thank you very much for the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I strongly support the Daschle amendment to the disaster supplemental appropriations bill.

The amendment makes needed improvements to the bill before us. It restores funding for education, job training, and children's programs, and it renews the commitment we made in the last Congress to community service.

It would be a grave error if the Senate defeats this amendment and decides instead to revoke investments we have already made in improving the lives of working families and children to pay for the Republican contract's tax cuts for the rich and for tax provisions such as the billionaire's loophole that we debated on the Senate floor yesterday.

Majority Leader DOLE said recently that "the American people want a better use of their tax dollars—starting now." But only half of the cuts in the rescission package are needed to pay for the ongoing recovery costs from the 1994 California earthquake. The other half of the cuts are being extracted from hard-working families to pay for tax breaks for the wealthy, and that isn't fair.

Americans are beginning to look behind the rhetoric at the heart of the Republican revolution. The fog of rhetoric is lifting, and the reality is emerging—an attack on children and families to pay for tax cuts for the wealthiest individuals and corporations in our society.

Congress should not be taking from the most vulnerable and defenseless in order to raise even higher the standard of living for those who are already well off.

The new Republican majority is arbitrarily cutting and trimming education programs even before our support for schools has had time to get to the classroom.

For what reason? To provide a tax cut for rich Americans? That makes no sense. Democrats do not believe in depriving young children of the good start they need that is provided in Head Start. Democrats do not believe in depriving public schools the help they need to achieve reform. Democrats do not believe in depriving college students of an affordable education. Democrats do not believe in depriving young Americans of opportunities to contribute to their community through national service and simultaneously earn money to pay for college.

The numbers themselves demonstrate the shortsightedness of the Republican proposals. Who will contribute more to our country's treasury? A college graduate who earns an average of \$32,000, or a high school dropout who earns \$13,000?

It is poor government policy and poor business sense to adopt short-term budget savings that will inevitably re-

sult in much smaller future tax revenues and much more serious long-term social problems. How do you support a family on \$13,000 a year?

The Daschle amendment will restore \$700 million for education, children, and training. It restores these shortsighted cuts and preserves the sensible education investment strategy proposed by President Clinton and Democrats.

We have heard a lot of rhetoric in the last 100 days about the "American people." One thing is unmistakably clear about the American people—they solidly back the Democratic priority on investing in education.

Two out of three Americans favor increased spending for education, according to a recent NBC/Wall Street Journal poll. That confirms a finding in a poll by the Washington Post/ABC News. Eight out of 10 people favor a balanced budget amendment, but 2 out of 3 say they would not support such an amendment if it means that education or Social Security would be cut.

Finally, a poll by the Times Mirror Center for the People and the Press found that 64 percent would increase spending on public schools if given the opportunity to set Federal budget priorities, while only 6 percent would decrease spending.

Among 14 Government programs cited, support for public schools was second only to anticrime programs. The position of the American people on support for education is unmistakably clear. They want to cut the waste and fat in Government, not the muscle of education.

Democrats understand why there is such strong support for education. We are proud to be the defenders of increased investments in students. We are proud to be on the side of all those who understand that a commitment to excellence in education is the basic underpinning of our society and our democracy. Education has made our country great, and it will be the key to our future strength.

A fresh example of the shortsighted thinking is the recommendation to cut investments in technology for education. Yesterday, the Office of Technology Assessment released an impressive report on teachers' use of technology in the classroom. As the introduction to the report states:

OTA finds the lack of attention to teachers and technologies ironic, for at the center of effective use of instructional technologies are those who oversee the daily activities of the classroom—the teachers.

Previous reports by OTA and others on computers in schools have sounded the alarm about the dangers of technological illiteracy in our society. As widely used technologies have become more sophisticated, teachers' roles become even more critical. The rescission packages, however, also cuts teacher training by 31 percent in the House and the Senate by 22 percent.

In an address to the National School Boards Association on February 21,

Speaker of the House GINGRICH called upon school boards to vastly increase the amount of money they spend on technology. Currently, districts spend three-tenths of 1 percent. "We are two generations behind in introducing technology," he said.

Our Republican colleagues respond to the obvious need for technology by cutting an already small Federal technology budget. Star Schools, one of the most successful and popular Federal education investments, was cut 30 percent by the House, and 15 percent by the Senate. The new technology program in title III of ESEA, just authorized last October, was cut by 75 percent in the House and 12 percent in the Senate bill.

Families throughout the country understand that computers, CD Roms, interactive video, and other technological advances have opened the door to vast amounts of scientific and academic information for students. Through these miracles of technology, pupils in classrooms in remote communities can meet students from many other lands, participate in fascinating scientific projects such as the Maya Cycling Expedition, and talk to experts around the world.

The simple fact, however, as the OTA report makes clear, and as a GAO report that Senator MOSELEY-BRAUN will release this afternoon underscores, is that public schools in this country are years behind every other institution in providing students with these opportunities.

It is important to balance the budget. But it will be an impossible task unless students are well-prepared and well-trained to be productive workers who earn good wages and salaries, who can support their families and pay their taxes.

Other education investments restored by the Daschle amendment are equally important.

In the last Congress, in bipartisan action—the vote to pass the Elementary and Secondary Education Act was 77 for and 20 against. That bill reshaped the way the Federal Government supports education.

In ESEA, in Goals 2000, in the Improving America's Schools Act, and in the School to Work Opportunity Act, we said to the States: "If we are going to reach the National Education Goals, all students should be held to the same high standards, and the States should develop these standards."

We said "It's time to cut the redtape. Local schools should be given more flexibility to consolidate small Federal programs to that they can design comprehensive, coherent reform plans."

And finally we said "Accountability should rest on results." Instead of telling schools exactly what to do with Federal dollars, we said "You decide what works best and we won't monitor what you do. But we will hold you accountable for how much students learn."

We backed up our commitment with Federal dollars. States responded. Over 40 States have developed plans to use Goals 2000 dollars. Hundreds of schools have already planned to use their increase title I dollars and their new flexibility to see that students learn more. At the very moment when schools and States and students are responding as we hoped they would, we should not be reducing our investment.

Unless we restore these funds, many of those schools will believe we didn't mean what we said. Seventy thousand school children will be denied extra help in reading and math. Thirteen hundred schools will not be able to implement their plans for school reform.

Consider what States have already been doing with these funds. To pick one district at random, the Lawrence School District in Kansas is using Goals 2000 funds to develop new assessments to more accurately analyze whether students are meeting high standards.

Pennsylvania has given Philadelphia \$250,000 of its Goals 2000 funds to develop clusters, and provide schools and their communities with more freedom from local rules in designing their curricula. Some schools are lengthening their schoolday and extending education services to parents in order to promote literacy.

Massachusetts is using Goals 2000 funds to support the startup costs of 15 charter schools.

My question to my colleagues on the other side of the aisle is very straightforward—are these the kinds of activities you want to scale back, just as they begin? Are our promises of support false?

In title I of ESEA, the rescissions are equally irresponsible. Title I is the Federal Government's major commitment to the country's disadvantaged children. For 30 years, the Federal Government has accepted a responsibility to help States educate schoolchildren who need help the most. But that commitment has never been well enough funded to serve the large number of children who need help.

Title I has had successes. It has improved basic reading and mathematics skills of the lowest-achieving children. It has helped close the learning gap between those children and their peers. With the help of title I, the achievement gap between black and white 9-year-olds has narrowed over the past two decades by 18 percent in math and 25 percent in reading.

I hear frequently from people in Massachusetts about how their children have been helped by this program. One parent wrote: "Chapter I is a blessing! For 4 years we tried to coach our son after his regular homework. We created more stress and there was no progress in math. Our son is now proud of himself and his work. Thank you is not enough."

One high school senior wrote: "Chapter I has helped me to grow. Through Chapter I, I am working in groups. I

get along better with others than I used to. Chapter I has shown me how to work hard, and when confronted with a challenge, I am patient but determined to get the job done. The Chapter I math program has helped me gain confidence. Now I can do math with others and I sometimes offer my help to other students \* \* \* Chapter I has shown me that no matter how stupid you think you are there's always someone there to help you reach your goals."

One parent wrote about the Reading Recovery Program funded by title I. "It has greatly affected my son. He has been able to keep up with his class. [It] has lessened his anxiety and helped to make school a pleasant experience. Had he not had the benefit of this program I feel the experience could have been traumatic. I was most apprehensive about sending him to the first grade because I felt he was not capable of doing the work. Our son has blossomed because of the attention, the one-one-one investment his teacher has made. He now comes home and reads us his library books. We never thought our son capable of making the strides he has this year and it's only April. It has been an answer to our prayers."

A teacher in Haverhill writes: "I \* \* \* had a senior citizen from a local nursing home come to my classroom weekly. She spoke French and worked with a child in my class who was non-verbal because his family's primary language is French. A true friendship developed between her and the children in my class. Everyone enjoyed her visits and she looked forward to coming every week. She was in a wheelchair and the children learned about people with handicaps. It was one of many rewarding experiences."

Finally, I heard from a student in Plymouth, MA named Steven. Steven was an angry young man, aggressive toward any authority figure and failing every class. Chapter I was seen as a last resort for him. Now he is a corrections officer who is up for a promotion. He recently said to his former Chapter I teacher, "It could have gone either way. I could have been locked in these cells as an inmate if it hadn't been for your helping me get through the schoolwork and giving me a chance to vent my anger. Thank you."

Even though we know this program helps students, schools are not able to keep up with their needs. The education needs of disadvantaged children are growing, especially in high poverty areas. Evaluations show that children in such schools are held to lower expectations than children in other schools. They are more likely to fall behind in the early grades, and never catch up. First graders in poor schools start school scoring 27 points lower in reading and 32 points lower in math than other schoolchildren. The initial gap widens in later grades. Eighth graders in poor schools are 57 percent more likely to leave school by tenth grade than students in other schools.

Last year, Congress extensively examined this valuable program. We authorized major new reforms, and we increased the funds by \$300 million. For 6 months, teachers across the country have been working and planning on how to use these funds.

That may be then and this may be now. But that is no excuse for the new Republican majority in Congress to pull the rug out from under schools across the country. Unless we support this amendment, 70,000 fewer children will benefit from title I. And schools throughout America will be hurt because Congress is breaking its promise on education.

Another important restoration in the Daschle amendment is \$100 million for the Safe and Drug Free Schools. Among all the Republican cuts, this one is perhaps most bewildering of all. There is hardly a community in America—urban, suburban, or rural—that is not struggling with the tragic effects of violence and the alarming increase of drug use among students.

Students cannot learn when their schools aren't safe. We need to do all we can to keep guns, drugs, and violence out of the schools. The Safe and Drug Free Schools Program is our primary means to give students and schools the help they need in avoiding drug abuse and violence. It provides Governors and local school officials with wide discretion to assess their own problems and to solve them. It is preposterous that Republicans should be proposing to cut back these needed funds.

For example, the Dade County, Florida public school system is using the majority of its funds to support a program called "TRUST"—a comprehensive assistance program to help students and their families overcome substance abuse problems. The program combines established approaches with curricula development, so that awareness of the dangers of drugs is woven into students' classes. It uses innovative approaches such as alternative intervention that offer students and their families a chance to examine their behavior and improve their skills while continuing to attend regular classes.

It is fine to talk about family values and strengthening families. But this bill simultaneously wipes out the kinds of help that struggling families need. Hypocrisy is the word for such action.

For all of these reasons, Mr. President, I urge my colleagues to support the Daschle amendment.

Mr. President, I see the chairman of the Foreign Relations Committee with a very distinguished guest, a man I have great admiration and respect for. His presence makes me speechless here on the floor of the U.S. Senate at this time.

I withhold the remainder of my remarks and ask for recognition after we have a recess.

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

from Massachusetts will be recognized after we hear from the chairman of the Foreign Relations Committee.

VISIT TO THE SENATE BY THE PRESIDENT OF EGYPT, PRESIDENT HOSNI MOHAMMED MUBARAK

Mr. HELMS. Mr. President, I thank the Senator from Massachusetts. I have the honor of presenting to the Senate, after I ask unanimous consent that we stand in recess for 5 minutes so the Senators may greet him, the distinguished President of Egypt, President Mubarak.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 5 minutes.

Mr. HELMS. I thank the Chair.

RECESS

Thereupon, at 5:13 p.m., the Senate recessed until 5:19 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see other Members here who wanted to speak.

I just finish with this thought about the Star Schools Program. In many different parts of the country, we do not have the highly qualified, highly skilled teachers, high school teachers, for example, in physics, in mathematics, in a number of the languages, with the change of demography and the cutting back pressures on local schools.

What we have seen, I know in my own State and generally throughout New England, is when there are pressures on the school districts there may be a handful of very talented students in a particular class who want to take the advanced math but there is so much difficulty in getting that teacher, and so few students—in many instances brilliant students who want to take it—that the school does not provide that kind of education opportunity. And that is true in pocket after pocket, particularly in many of the rural areas of Massachusetts, and throughout New England.

This program provides the best math, science, physics, chemistry, biology teachers, who instruct those few students that go to these learning centers so those individuals will be able to take their courses at the appropriate level. So they will continue their interest in these areas, which are enormously important in terms of our national interests, for our scientific base and for our research and development.

It has been an enormously successful program. It has had the very strong support of Senator COCHRAN, and others have spoken very eloquently about it. I have had the chance to visit centers in his State of Mississippi to see what it has done in terms of a number of the rural communities in the South.

It is something that is enormously valuable. We are talking here of several millions of dollars. But those several millions of dollars have enormous importance and consequence in one of the aspects of education, and that is technology and technology training. One of the important parts of the Daschle amendment restores that funding. That is the part of that Daschle amendment which I think is enormously important. We will have an opportunity, when we reach the Daschle amendment, regardless of that outcome—I am hopeful it will be accepted, but if not—to come back and revisit that at another time.

I will come back to this when some of my colleagues have finished their remarks.

I yield the floor.

LITTLE DELL LAKE, UT

Mr. BENNETT. I wish to bring to the attention of the chairman a small matter that is of importance to me and the people of my State. It involves a correction in cost allocation of the recently completed Little Dell Lake project in Utah. The Army Corps of Engineers acknowledged that an adjustment in cost allocation is warranted and is in the process of designing recreation facilities and redoing the cost allocation between the Federal and local participants of this project.

We expect the correction to be finalized in a revised agreement between the Department of the Army and the non-Federal sponsors toward the end of fiscal year 1995. This is a matter of equity. The non-Federal sponsors of the project paid for 100 percent of the costs allocated to water supply and 25 percent of the costs allocated to flood control. However, because the local sponsors were inappropriately asked to cost share the joint costs of recreation, the costs for recreation quadrupled and were unaffordable. This raised the costs for water supply and flood control by several million dollars. This error was only recently discovered and the Assistant Secretary of the Army has expressed a willingness to correct the matter.

Is it the understanding of the chairman that the inclusion of recreation facilities, the reallocation of costs, and the adjustment in the Federal and non-Federal cost sharing can be accomplished with funds heretofore appropriated?

Mr. DOMENICI. Given the facts in this matter, it would be appropriate to include recreation and adjust the Federal and non-Federal shares of the total project cost. The project is essentially complete and, as I understand it, has already provided significant flood

control and water supply benefits since the dam was constructed.

Mr. BENNETT. I thank the chairman and would urge that the revised local cooperation agreement be consummated in fiscal year 1995 and that the funds be reprogrammed in the current fiscal year as well.

Mr. DOMENICI. I agree with the Senator from Utah that the revised local cooperation agreement and reprogramming should be accomplished this year with funds currently available to the corps.

Mr. BENNETT. I thank the chairman.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Chair. I will be very brief.

I would like to respond to some comments made by the distinguished Senator from South Dakota, Senator PRESSLER, a few minutes ago on his conversation with the Vice President of the United States earlier today. I checked with Vice President GORE, and I am told that he did not tell Senator PRESSLER that the President would veto the telecommunications bill.

The Vice President told the distinguished Senator from South Dakota that he would like to see changes in certain provisions of the bill before he could recommend it to the President for his signature. I mention this because only the President issues veto threats, as the Vice President pointed out.

But the Vice President is not the only person who is concerned about certain provisions of this telecommunications bill.

The telecommunications bill that the Commerce Committee has reported will have an enormous impact on multi-billion-dollar cable, phone, and broadcast industries, and the economy of this Nation.

It was introduced just 3 days ago, and the report explaining what the Commerce Committee had in mind with this complex bill was filed late Thursday night.

This bill is a far different bill from S. 1822, which was reported last year.

First, this bill allows RBOC entry into long-distance phone service without a formal Department of Justice role in analyzing the competitive impact.

Second, I have questions about taking the lid off cable rates, and whether sufficient attention has been paid to the special problems of small, rural cable companies.

In fact, I suspect virtually every person that is on cable in this country would have some concern about just taking the lid off the cable rate, because I have not met many cable users who feel they are not paying too much.

Further, I have questions about some provisions in the bill that preempt State laws on judicial review of State

regulatory commission decisions, and on dialing parity for intra-LATA calls.

Finally, I am concerned that some provisions in this bill undercut privacy protections for online communications and law enforcement's ability to conduct necessary court-authorized wiretapping to fight crime.

As ranking member on the Antitrust Subcommittee of the Judiciary Committee, these are questions on which we should have a hearing. There has been no hearings on the final version of S. 652 that was just introduced. These are issues that the people of Vermont deserve time to look at and consider, before the Senate rushes into consideration.

I have no interest in delaying telecommunications reform, and hope that we pass much-needed legislation in this session of Congress. But I do want time to make sure that any legislation we pass is the best we can make it. We owe this to the American people and the industries involved.

I think there are issues that should be answered.

#### THE DASCHLE AMENDMENT

Mr. LEAHY. Madam President, the bill we are debating today is not about future cuts in programs to reduce our deficit.

What this bill does is cut funding that States, schools, parents, youth and children were assured of last September.

And these cuts are not going to reduce the deficit, but will go to pay for tax cuts for the wealthy.

In the middle of the year, Congress is taking away funds that States are using to implement major reforms to improve our children's education.

Taking away funds from towns that have already set their school budgets for the year.

Taking away funds from programs that bring local police to work in schools to prevent drug use.

Taking away from parents that are counting on child care so that they can go to work.

Taking away from AmeriCorps participants and the communities that they work in around the country.

This bill has brought our communities to a screeching halt. I question the logic of cutting these programs now; 6 months after the fact.

I support efforts to restore funding to important education programs for disadvantaged children, programs which are designed to prevent drug use and create a safe school environment, education reform, Head Start, child care, AmeriCorps, and other programs that educate and invest in America's children and families.

Decisions to cut these programs are based solely on shortsighted politics.

The sad thing is that the House has made it clear that cuts in these programs are not going to deficit reduction.

Instead, the cuts we are making today in programs that give children the skills to compete in the next cen-

tury are going to pay for tax cuts for the wealthy. In fact, the wealthiest 12 percent of Americans would receive over half of the benefits under the House proposed tax cuts.

I hope that we will be able to restore logic and common sense to the cuts we are making in this bill.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, on the same subject which the Senator from Vermont discussed, the Senator from South Dakota, the chairman of the Commerce Committee, earlier came to the floor and indicated that S. 652, the Telecommunications Act of 1995, would not be able to be considered on the floor before the Easter recess as a consequence of the administration, namely the Vice President, as someone who had indicated that the bill was going to be vetoed.

Mr. President, to be clear, while I did not put a hold on this bill, I agreed to allow the debate to proceed. I was tempted to put a hold on the bill and not allow it to proceed. I will not, and would not allow the debate to proceed and at the same time give unanimous consent to limit the debate. That made it difficult to consider this piece of legislation and enact it, pass it by the Senate, before the Easter recess.

So if the chairman of the Commerce Committee is looking for the person to identify as the individual who made it impossible to move this before Easter, he has no further to look than the junior Senator from the State just to his south.

This is a very important piece of legislation. I am by no means hostile to the idea that we should reform the 1934 Communications Act. I am not hostile to that idea. I believe that reform can be of enormous benefit to our people. It can create new jobs. It can improve the quality of our education and make it more likely that our citizens can become informed.

But, Mr. President, this is a piece of legislation that is unique in many ways. Indeed, the distinguished Senator from South Dakota, the chairman of the committee, said on this floor earlier that it has broad national support, or something to that effect. Yesterday, he said much more accurately that this is not really on the people's minds at the moment.

That is a more accurate statement, Mr. President. I have maybe 2 million household lines in the State, a million households total, so there is probably a million times two residential lines in the State.

I just finished a campaign for reelection where very few people came to me and said: Gee, I am going to vote for you, but I need to know your position on the deregulation of telecommunications. I need to know where you stand on this, Senator, because I am unhappy with my service. I do not like my long distance service or I do not like my local telephone service or I do

not like my cable service or I do not like what is going on.

They may have some concern at the margin, but no call for a radical restructuring of the regulatory environment which this piece of legislation represents.

Again to be clear, I think it is appropriate for us to consider some rather dramatic changes in the law to permit in particular much more competition at the local level. I would love to see an environment where the entrepreneur, that small business person that starts off in business, can come knocking on my door or call me up or write and say I want to sell you information services; I want to sell you voice; I wish to sell you video; I am going to sell you text. I would love for them to be able to sell them in an unrestricted environment.

This legislation, in my opinion, does not permit that. It pretends to but in my judgment it does not permit it. In many ways, it combines the worst of both worlds, a regulatory environment without the kind of competition that I think is needed.

So I thank the chairman of the committee, who has been very generous in allowing one of my staff people, though I am not on the the Commerce Committee, to participate in the deliberation of the determination of what this bill is going to look like along with the ranking member, Senator HOLLINGS of South Carolina.

I hope they do not view me as being hostile to this piece of legislation, but I object to the identification of the administration being the problem. As far as this piece of legislation not moving prior to recess, I am, I suspect, as responsible as anybody around here because I want this to have a full and open debate. I want us to evaluate title I, title II, title III, title IV. I want us to think about what we are doing and make sure the public is informed. We are about to give them, I think, substantial change. I think they can, if it is done right, be pleased with the results. But just as great a risk, Mr. President, is that we could get in a hurry around here and pass something, think that we are deregulating, think that we are creating competition but, in fact, we accomplish neither of those two rather worthy objectives.

So I look forward to the debate. I hope that when we come back after the recess there is an opportunity for S. 652 to be brought to the floor, and I look forward to the opportunity of bringing up amendments and getting a full and open debate on this very important piece of legislation.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to have this bus sensor on the floor with me during my speech.

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

## SCHOOL BUS SAFETY

Mr. DEWINE. Mr. President, I rise today to discuss the safety of America's school children.

On February 27, Brandie Browder, an eighth grader at Ferguson Jr. High School in Beaver Creek, OH, was coming home from school. As she was getting off her schoolbus that afternoon, the drawstring around the waist of her coat got caught in the handrail of the schoolbus. The schoolbus started to move away. Brandie tried to free the coat, wrenched the coat free of the schoolbus and ran alongside the bus for approximately 50 feet. She lost her footing and fell and the bus ran over her and killed her.

Mr. President, just 4 days later in Cincinnati, a seventh grader from Roberts Paideia School was getting off her schoolbus when a similar event occurred. The bus dragged her for about 3 or 4 feet, ran over her as she tried to free herself. Fortunately, she only suffered a broken foot. She did survive. Mr. President, in both cases the bus driver was apparently totally unaware of the accident as it was happening.

I think we should point out at this point, before I go any further in what I am saying today, that schoolbuses are among the safest modes of transportation. According to the National Safety Council, there are about 400,000 schoolbuses in the United States, and they transport approximately 22 million students every single day. I think we all know and I think most experts would agree if the choices are between putting a child on a schoolbus or letting a teenager drive himself or herself, or ride with someone else, or even having the parents drive to school, most of us, most experts would say statistically the children are better off on the bus. I do not think there is any doubt about that.

Having said that, Mr. President, the sad fact remains that in the 1992-93 school year, 30 schoolchildren were killed in schoolbus accidents. Of these children, 5 were killed while riding on their bus. The other 25 were killed while in the process of getting on or off of their own bus. The year before that, the 1991-92 school year, 35 children were killed nationwide; 10 were riding on their own schoolbuses and 25 were killed while getting on or off the bus.

An average of 30 school children are killed while getting on or off their buses every single year. This is not a new problem. According to the National Safety Council, over the 10 years since 1983 a total of 445 children were killed in schoolbus accidents; 100 of these were passengers and 345 were killed while getting on or off their own bus.

Mr. President, there are many factors contributing to these accidents—many. Today I should like to discuss just three of them.

First, an investigation of these accidents reveals that an alarming number of them involve handrails on the schoolbus. When children are getting

off a schoolbus, they walk down past a handrail. We have all seen them. We have all had that experience. Some of them hold on to it, others do not. But I understand that there is a small space in most schoolbuses, about an inch, between the handrail and the wall of the bus.

Picture a child coming down the steps. He or she may have a backpack, strings or straps trailing off of it. Maybe he or she is wearing a coat with drawstrings that they can use to tighten around the waste—anything, Mr. President, that is trailing off of that child, like these strings and straps, is liable to catch in that small space between the handrail and the wall of the bus.

It is easy to imagine what happens next. The child is off the bus. But part of the child's clothing is stuck in that small gap and the door closes. The bus starts moving. The child gets jerked with it and tries to pry free. We have a moving vehicle and a child swinging off of that vehicle.

That is how Brandie was killed. And since 1991, at least four other children have been killed that way.

In conclusion, Mr. President, we as parents, as members of school boards, as concerned citizens, I believe, need to make sure that these handrails are as safe as possible, that all precautions are being taken to avoid these tragedies.

A second problem, Mr. President, is the danger area around the bus. The schoolbus, of course, is a very large object. It is very difficult for other motorists to see around it. It is even difficult for the bus driver to see around it. Because of this, far too many children are killed by their very own buses. We need to explore ways to make those children visible to the schoolbus driver. There are at least two companies, that produce sensors that can be attached to school buses to prevent accidents.

I have one, Mr. President, right here.

This works on the same basic principle as a home security system. It sends out a radio signal. If the signal detects reflected energy from a child in what is called a danger zone area, a frequency shift occurs which triggers an alarm and illuminates a red light in the cab of the bus.

This particular system covers the 10-foot by 10-foot area in front of and behind the bus, as well as the 6 by 8 areas on either side of the bus. There are other technologies that are involved.

We know though, Mr. President, no matter what technology we are talking about, that ultimately it is up to the schoolbus driver. I think what we should try to do is to assist those drivers, most of whom are great people, who do a great job every day protecting our children.

Maybe additional training is needed in some cases; maybe additional equipment on the bus. Maybe other things.

I intend, Mr. President, in the weeks ahead, to return to this issue, because I think it is an issue that we can have

an impact on by publicity, by talking about it, by making people aware of the opportunities they have and all of us have to save lives.

Each one of us has a responsibility—whether we put our own child on that schoolbus every day and tell that child what to be careful about, whether we are on school boards, or parents—to make sure that school system has the latest equipment, to make sure that our good bus drivers do in fact have the training that they need.

Before coming to the floor, Mr. President, I spoke to the father of the little girl who was killed. I wanted to know whether it was all right if I came and talked about his daughter's accident. His reaction was what I expected it to be—that if we could save a life by talking about this issue, that if we could make other parents aware of it, other school boards or school systems, that we should be doing that. That is why I am on the floor today.

I will return to this issue in the future, Mr. President.

At this point, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I say to my colleague from Arkansas, I believe we are about to get an agreement. The distinguished Democrat leader is still on the telephone to one of our colleagues.

The Senator may proceed if he wishes to be recognized.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Dole amendment No. 541.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes as if in morning business.

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

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#### NCAA BASKETBALL CHAMPIONSHIP GAME

Mr. BUMPERS. Mr. President, last night the citizens of my State were deeply saddened by the loss of the University of Arkansas Razorbacks to a magnificent UCLA team in the NCAA finals. But No. 2 is not all bad. We finished ahead of several hundred other NCAA mens basketball teams.

Sometimes, none of us performs to perfection or even to our maximum abilities. Last night was not a particularly good night for the Razorbacks, but that is not to diminish the magnificent game that UCLA played.

The 1995 NCAA tournament was filled with hard-fought, competitive games with exciting finishes. Just 2 weeks ago UCLA barely squeezed by Missouri. We all remember watching Tyus Edney go the length of the court and lay one up just at the buzzer to win the game.

And, of course, we remember that timeout call by a youngster from Syracuse that allowed Arkansas to win in overtime. Such is the very nature of the game.

But I can tell you that all Arkansans glory in the spunk of this great, magnificent Razorback team for coming back again and again. While they will lose several players who are seniors, I have confidence that the Razorbacks will be back playing for the championship once again next year.

The University's coach, Nolan Richardson, is a very talented man. He was very gracious last night. He took full responsibility for the loss, as great men do. That resonated well with the American people, as it always does. Generosity will never lose anybody a vote. It is a mark of greatness. And Nolan Richardson was great in his comments last evening. Youngsters all over America want to play for him. So I fully expect that he and the Razorbacks will be back again next year.

I rise just simply to say that this team, as did last year's championship team, has filled all Arkansans' hearts with pride and exhilaration. We are immensely grateful for the glory they bestowed on themselves and our beloved Arkansas.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I, too, would like to join my senior colleague, Senator BUMPERS, in praising the great University of Arkansas team and also in congratulating the UCLA team for a magnificent job in winning the national championship.

Mr. President, it has not been too long ago since basketball really come to the forefront in the Arkansas Razorbacks' territory. In fact, when I was a student in Fayetteville at the University of Arkansas, they almost had to force us to go over to the field house to watch the Razorbacks play basketball. Usually, those basketball games were on a Friday or a Saturday afternoon.

But then along came some great coaches and ultimately some great teams, and finally the great support of the people of our State, equaling the support now, I think, of the Razorback football team; in fact, in some cases, even surpassing it.

Last year, the Razorbacks, of course, Mr. President, were the national champions. This year, we were almost the national champions. We lost to a great team.

Last night, throughout that game, I sat and watched as the momentum shifted back and forth between UCLA and Arkansas, and between UCLA and Arkansas again. I thought of the many thousands of hours of practice, commitment, that each of those players had committed to the splendid sport in this wonderful country of ours.

Finally, Mr. President, I was taken not only by the fine comments of the coaches of both of those basketball

teams—those glorious teams, I might add—I was also taken by the sportsmanship exemplified by all of the members of those basketball teams as they faced each other in a moment of true contest, in a moment of true testing of who was going to become the championship team of the United States of America.

UCLA prevailed. We congratulate them.

We say to the Razorbacks, thank you for a splendid season and thank you for making us a proud people.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to proceed for 2 minutes as if in morning business.

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I congratulate our two friends and colleagues.

I join in congratulating UCLA for winning the championship, but also in paying tribute to a valiant team that had enormous success during the course of the season.

The University of Massachusetts got to the quarter finals in that particular basketball tournament. I can remember when the University of Massachusetts played Arkansas on Thanksgiving of last year. It was a very good evening at that time when Coach Calipari's team was successful. That team went along and had a superb year, and lost in a hard-fought contest.

I was inspired by the skill and the demeanor and the competitiveness of those young men, and women, as we heard yesterday, from the University of Connecticut.

**BOSTON UNIVERSITY WINS NATIONAL HOCKEY CHAMPIONSHIP**

Mr. KENNEDY. I will just take this moment, Mr. President, to mention that in my State last Saturday, Boston University won the national championship in hockey. It was an all-New England contest. They played against the University of Maine in a very outstanding, competitive game. Boston University represents one of our great universities and one of the great centers for hockey. New England takes hockey seriously. Other parts of the country do as well.

But I think it is important to take a moment of time, when we have been wondering about the young people of this Nation in the period of these last several days, to focus on the quality of the competitiveness, of the character, of the discipline, of the sportsmanship of real champions.

Whether it was with the UCLA and Arkansas championship last night, or whether it was the superb performance of the University of Connecticut's

women's team, or whether it was Boston University and the University of Maine finals in hockey, I think all Americans ought to take some degree of satisfaction about this next generation. I think all of us who are fortunate to have those teams in our State certainly do.

Mr. President, it is a privilege to take this opportunity to congratulate Boston University's hockey team on winning the 48th annual NCAA Division I hockey championship this past Saturday in Providence, RI. With their brilliant and convincing 6-2 victory over the University of Maine Black Bears, the Terriers completed what the Boston Globe called "college hockey's sweetest triple crown"—winning the annual Beanpot Tournament in Boston, the Hockey East championship and the NCAA championship all in 1 year. The only other team in school history to win this triple crown was the Boston University team of 1972.

The Terriers completed the season with a record of 31-6-3 overall, the second most wins by a BU hockey team. The team was anchored by the presence of 14 natives of Massachusetts, including Mike Grier of Holliston, an African American and First Team All-American who is a role model for hockey fans in Massachusetts and throughout the United States.

For BU, this victory marked their 4th NCAA Division I championship, having won previously in 1971, 1972, and 1978. They have appeared in the Final Four a total of eight times. In their 74 years of competition, they have an overall record of 1046-607-68, for an extraordinary 628 percentage. Under the inspired leadership of Coach Jack Parker, who graduated from the university in 1968, the Terriers have amassed a 491-241-37 record in his 22 years as coach, along with two national championships.

It is a great tribute to Coach Parker and the rest of the Terriers that they were able to come back from a difficult loss in last year's tournament to win this year's championship in such a convincing fashion. I commend them for their impressive victory, and I ask unanimous consent that the team roster and articles from the Boston Globe on Sunday may be printed in the RECORD.

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

No. and name	Cl	Pos	Hgt	Wgt	Hometown
1. Shawn Ferullo*	So	G	5-8	158	Lynnfield, MA.
2. Kaj Linna ***	Sr	D	6-2	210	Helsinki, FIN.
3. Chris O'Sullivan*	So	D	6-3	199	Dorchester, MA.
4. Chris Kelleher	Fr	D	6-1	214	Belmont, MA.
5. Doug Wood**	Jr	D	6-1	200	Sudbury, MA.
7. Rich Brennan***	Sr	D	6-2	200	Guilderland, NY.
8. Bill Pierce*	So	W	6-1	195	Burlington, MA.
9. Shawn Bates	So	C	6-0	183	Medford, MA.
11. Bob Lachance**	Jr	W	5-11	183	Bristol, CT.
12. Mike Grier*	So	W	6-0	242	Holliston, MA.
14. John Hynes	Fr	W	5-9	168	Warwick, RI.
15. Mike Sylvia	Fr	W	5-10	170	Newton, MA.
16. Ken Rausch***	Sr	W	6-0	189	Danbury, CT.

1994-95 BOSTON UNIVERSITY HOCKEY ROSTER—  
Continued

No. and name	Cl	Pos	Hgt	Wgt	Hometown
17. Jay Pandolfo**	Jr	W	6-0	197	Burlington, MA.
18. Chris Drury	Fr	F	5-10	184	Trumbull, CT.
19. Steve Thornton**	Sr	C	5-11	179	Gloucester, ONT.
20. Jeff Kealty	Fr	D	6-4	190	Framingham, MA.
21. Mike Prendergast***	Sr	W	5-9	182	South Boston, MA.
22. Matt Wright*	So	W	6-1	180	Belmont, MA.
24. Jacques Joubert**	Sr	C	6-2	201	South Bend, IN.
26. Jon Coleman*	So	D	6-0	192	Canton, MA.
27. Shane Johnson*	So	D	5-10	185	Brandon, MN.
29. J.P. McKersie***	Sr	G	6-1	206	Madison, WI.
30. Tom Noble	Fr	G	5-10	159	Hanover, MA.
35. Derek Herlofsky**	Sr	G	5-10	173	Minneapolis, MN.

\*Indicates number of letters won.  
Note: Head Coach: Jack Parker; Assistants: Blase MacDonald, Mike Enlizone, Bill Berglund; Captain: Jacques Joubert; Assistant Captains: Rich Brennan, Derek Herlofsky.

BOSTON UNIVERSITY

No. and name	Pos.	G	A	Pts.
1. Shawn Ferullo	G	0	0	0
2. Kaj Linna	D	7	19	26
3. Chris O'Sullivan	D	21	33	54
4. Chris Kelleher	D	3	17	20
5. Doug Wood	D	6	11	17
7. Rich Brennan	D	5	22	27
8. Bill Pierce	W	5	13	18
9. Shawn Bates	C	18	11	29
11. Bob Lachance	W	11	29	40
12. Mike Grier	W	29	24	53
14. John Hynes	W	0	0	0
15. Mike Sylvia	W	9	9	18
16. Ken Rausch	W	12	12	24
17. Jay Pandolfo	W	7	12	19
18. Chris Drury	F	12	15	27
19. Steve Thornton	C	16	22	38
20. Jeff Kealty	D	0	5	5
21. Mike Prendergast	W	17	21	38
22. Matt Wright	W	7	9	16
24. Jacques Joubert	C	28	23	51
26. Jon Coleman	D	5	23	28
27. Shane Johnson	D	0	6	6
29. J.P. McKersie	G	0	0	0
30. Tom Noble	G	0	2	2
35. Derek Herlofsky	G	0	3	3

[From the Boston Globe, Apr. 2, 1995]  
TERRIERS ARE ONCE AGAIN TOP DOGS—BU  
THUMPS MAINE, WINS HOCKEY CROWN  
(By Joe Concannon)

PROVIDENCE.—They'd been to the doorstep twice in this decade and experienced a wide range of hockey emotions. They'd lost a turbulent 8-7 game in triple overtime to Northern Michigan four years ago, then they'd been blown out by Lake Superior State, 9-1, last year, both games in St. Paul. This time the Green Line team out of a rink on a deadend street in Allston took the limo all the way to the top.

Boston University, picked as the nation's No. 1 team in October, blew away Maine, 6-2, in the championship game of the 48th NCAA tournament yesterday at the Civic Center, the same building where the Terriers won their last national crown 17 years ago. They also completed college hockey's sweetest triple crown by winning the Beanpot, Hockey East and the NCAA title in the same season.

The only team to accomplish that was the 1972 BU team led by Ron Anderson, Toot Cahoon, Jake Danby, Steve Dolloff, Ric Jordan, Bob Brown and goaltenders Dan Brady and Tim Regan. The 1995 champions feature goaltenders Derek Herlofsky and yesterday's hero, freshman Tom Noble, and goal scorers Chris O'Sullivan, Jacques Joubert, Steve Thornton, Bob Lachance and Mike Sylvia.

"I found out about 5 past 9 [yesterday morning] I was starting," Noble, who made 21 saves, said. "I've played big games before [at Catholic Memorial] but this is the biggest game I've ever played. It's been a dream of mine to play in a national championship game."

This was the fourth NCAA championship for the Terriers in eight Final Four appearances. The previous three came in 1971, 1972 and 1978. This year's Terriers, who finished 31-6-3, won two Beanpot games by four goals and their three NCAA tournament games by the same margin. Doesn't that say it all?

"When it was 3-1 and 3-2 at the start of the third was when our senior class and our goaltender took over," said BU coach Jack Parker. "We had another big goal by Shawn Bates and the momentum started to swing."

"People asked if the kids were uptight. This group didn't play well uptight. We beat three of the top hockey teams in this tournament when we beat Lake Superior, Minnesota and Maine, and after last year we had the opportunity to get back. The entire season was treading water waiting to get back to this tournament."

The Black Bears (31-6-6), who were picked fourth in the Hockey East preseason poll, held a 2-0-2 edge over BU this season, but the teams last met Dec. 3, in Orono. There was a wide edge in quickness for the Terriers yesterday, in part perhaps because of Maine's draining 4-3 triple-overtime victory over Michigan in Thursday's semifinals.

Even though the Terriers were riddled by penalties, they showed their mettle, even when their 3-0 lead slipped to 3-2. Bates got the third-period explosion going when he slid a pass to Sylvia, who made it 4-2 at 5:23. O'Sullivan jammed the puck in at the 8:30 mark for a 5-2 lead and Lachance's short-handed goal at 18:47 was the icing on this glorious cake.

The Terriers scored three powerplay goals and drew 10 penalties, four on interference calls in front of the net, so their special teams were a key. "They moved the puck and handled our pressure," said Maine coach Shawn Walsh. "We couldn't get up to the puck. Down low their two defensemen out-worked our three forwards. They have a terrific defense and they showed it today. They got the fourth goal and it put a stake through our heart."

The Terriers started tentatively, but part of that was attributable to the Black Bears, who took it to BU on the boards and bumped the Terriers off the puck. BU had just two shots on goal in the first 10 minutes. This was a trifle haunting, since the Terriers didn't get a shot on goal in the first 10 minutes a year ago in the crushing loss to Lake Superior State.

After killing off two power plays, the Terriers got their first chance with the man advantage when Brad Mahoney left for roughing at 13:50. Thornton asserted himself on a faceoff, winning it, following it in and roofing a shot over Maine goalie Blair Allison to stake the Terriers to a 1-0 lead at 14:57 of the opening period.

The game's first big defensive play kept Maine from answering. Wayne Conlan unloaded a shot that trickled away from Noble and wound up casually behind him in the crease. Lachance swept behind his goaltender and fired the puck out of trouble before one of the Black Bears could get to it.

The tables were tipped slightly in the second period when it was the Black Bears who were denied quality scoring opportunities and the Terriers streaked to a 3-0 lead. Maine didn't get a shot off on an early power play and the Terriers seized a 2-0 lead when O'Sullivan swept into the right post and put in Thornton's rebound at 7:27.

Less than two minutes later, Joubert followed up his own rebound to convert on a power play set up by Kaj Linna and Mike Prendergast, making it 3-0 at 9:15. Maine cut it to 3-1 when Tim Lovell flew in to convert Jamie Thompson's pass on a two-on-one break, beating Noble at 14:51.

As time was running out in the second period, the Black Bears had a two-man advantage following penalties to Shane Johnson (interference, 18:20) and Linna (slashing, 19:44), but Thornton won the initial faceoff from Dan Shermerhorn and the Terriers left with a shaky 3-1 lead and 20 seconds of the two-man-down situation still to fend off. The first penalty had expired when Trevor Roenick got Maine within 3-2 31 seconds into the third, but it was all BU after that.

BELIEVE IT OR NOT, BOSTON BACK IN  
WINNER'S CIRCLE

(By Kevin Paul DuPont)

PROVIDENCE—Not every floor has a trap door. The pie at the buffet table isn't always there to be tossed in your face. That big oak tree that shades your house and keeps it nice and cool in the summer doesn't have to come crashing through the roof in the middle of a winter storm.

Good things can happen to a Boston team. The city that hasn't had much to celebrate since the Celtics won the NBA championship in 1986 now has the Boston University hockey team to cheer all the way down Commonwealth Avenue. (Note: this column will not self-destruct upon your reading the last paragraph.)

Boston is a winner. It's OK. You can close your eyes, click your ruby slippers, and all the good of yesterday won't vanish before your eyes. Boston is a winner.

Perhaps bigger news in the '90s: upon leaving the Civic Center last night, no one had asked a state or federal agency to launch an investigation and no one was looking to tell his/her side of the story to "Hard Copy" for an extra \$50. No one asked the official scorer to come to the side bar.

It was like the old days: one team won, one team lost, and no doubt a few kegs got uncorked in dorms from Kenmore Square, right on up to West Campus.

"This is the greatest team because it's happened right now," said BU coach Jack Parker, following his Terrier's 6-2 rout of the Maine Black Bears in yesterday's NCAA final. But don't tell that to Mike Eruzione or Jack O'Callahan. They played on some pretty good teams, too.

"This team is one in a great line. And it's nice to be on that line."

Parker was one shivering slice of life in the minutes that followed his second national championship (fourth overall for BU). While he stood at center ice and answered all the questions for ESPN, goaltender Derek Herlofsky and partner-in-crime Rich Brennan conspired in giving Parker an icy shower. Over came the orange tub, hoisted high, and Parker was as wet as if he'd been tossed into the Charles.

"I feel old," said the shaking Parker, his shirt and pants clinging to his wiry body. "But I felt old before this started."

Winning the NCAA hockey championship doesn't capture America's heart and soul, or the TV lens, the way an NCAA basketball championship can. The US is built for roundball. President Clinton didn't interrupt his afternoon at Pennsylvania Avenue to call Jack Parker and his good ol' boys from Route 128 to congratulate them.

But no one expects that, especially at BU, a campus of diverse interests with hockey just a small part of a cosmopolitan landscape. When the BU hockey team packed its bags for the trip down here on Wednesday, there was no band playing on Babcock Street, no booster club sending the boys off with a fond farewell.

"Really, it was very quiet," said the Terriers' longtime sports information director, Ed Carpenter. "Just a bunch of college kids taking care of business."

"Maine actually has a more avid hockey following. Understandable. It's watch hockey or get back to the lumberjack matchups. Shawn Walsh's team also came here hoping to take care of business. After falling behind, 3-0, the Black Bears closed within a goal on strikes by Tim Lovell and Trevor Roenick.

But Maine showed the fatigue of Thursday's triple-overtime win over Michigan. Forty-eight hours didn't give the Black Bears enough time to recover. Tired legs and shortcomings on defense brought them up short.

"Short shifts," read the message board in the Maine dressing room. "Short passes, Stop and start." In other words, economize, don't get into a pass-and-shoot game with a BU team that had rattled off nine straight wins. Don't trade punches with a club that won the Beanpot and the Hockey East title. In the end, it was a breakdown, a pass picked off, that buried the Bears. Bruins prospect Shawn Bates broke over the line on a two-on-one, dished right to Milk Sylvia, and BU had a 4-2 lead with 5:23 gone in the third.

"A killer," said Walsh. "It was like someone put a stake right through our heart."

The BU dressing room was surprisingly low key. Mike Grier (how come no one calls him Big Country?) packed his red-and-white bag and slung it over his shoulder on his way to catch the bus. One by one, his teammates followed, quietly, smiling on cue when asked how it felt to be the greatest college hockey team in the USA.

"Feels great," said Grier. "I don't think I can describe yet how it feels, but it feels great."

"I'm tired," said Bates, slumping in a chair for a TV interviews. "This is great. This is everything we wanted."

Be careful today if you drive by the BU bridge. Ease off the pedal some if you pass the dorms around 700 Comm. Ave. or the cozy apartments along Bay State Road. The partying promised to be long and hard. Red eyes and slow steps will be the order of the day.

Boston has a champion this morning. We know it often doesn't get better than that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I think we are still awaiting one phone call before, hopefully, we can reach an agreement. I do not want to miss this opportunity to talk about the University of Kansas Jayhawks. [Laughter.]

Mr. BUMPERS. The majority leader will be proud in knowing that I actually picked Kansas to be in the final four in the office pool.

Mr. DOLE. So did I. [Laughter.]

But I think it is fair to say I certainly agree with the comments made by both Senators from Arkansas. It is an outstanding team, outstanding coach. Senator PRYOR indicated the momentum did go back and forth. It was tied, two behind, one ahead. It was one exciting game.

I know it is a lot more fun winning. We have all experienced that from time to time. But I do think it says a lot about the coaches, a lot about the fans, primarily a lot about the young men who were involved in not only the Final Four but the Sweet 16, the whole group. They have all done an outstanding job. I know we are all proud of our respective teams.

#### ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the Senator from Ohio wants to make what looks like an address to me. Will the Senator from Ohio have any objection if we reach an agreement we can interrupt to get the agreement?

Mr. GLENN. I just want to submit a bill and give a speech. I can stop in the middle.

Mr. DOLE. Why do you not go ahead. The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent to proceed as in morning business.

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

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 669 and S. 670 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, speaking of protections that should be given to people—in fact, last Tuesday, 1 week ago, I introduced the Bank Customer Confidentiality and Protection Act of 1995, which became S. 663.

This legislation was crafted to address problems in the area of bank sales of uninsured products, such as mutual funds identified during an investigation conducted by my staff on the U.S. Special Committee on Aging.

After hearing the stories of numerous older Americans specifically, who claim they did not know what they were buying when they purchased an uninsured product through their bank and then lost much of their life savings, I am today convinced that more stringent protections are needed to ensure that financially inexperienced bank customers fully understand what they are buying when they invest in uninsured accounts.

Mr. President, I have a series of stories today. I am trying to put human faces and human concerns together with statistics. This is a letter I received on November 11, 1994. Let us just call our friend who wrote me "Dick." This legislation today is intended to help financially inexperienced bank customers such as this man, a 64-year-old retired priest and a Vietnam veteran.

By last year, Dick had saved \$3,000 for a cruise that he wanted to take 2 years in the future when he retired. In fact, I believe in his letter he states that he wants to take this cruise sometime in late 1995. He had always put his money in savings accounts and in CD's at this particular bank. He had never invested before in a mutual fund or in any other uninsured product. After all, he is a former priest and he never had a lot of money laying around.

When he went into his bank he told the worker there that he wanted to put his money in a safe account. They did the opposite. They put this man's money in an uninsured bond fund that lost hundreds of dollars by the end of the year. Dick told our staff that had

he known this was an uninsured product, he would never have given the bank this money. Now he may not ever be able to go on that cruise that he had dreamed of.

Now I want to tell you, Mr. President, how this man and other inexperienced older customers ended up buying uninsured products. We say, How could that happen? How could any individual be led to buy a product that was uninsured?

The truth is that some banks have elaborate sales systems set up to sell securities such as mutual funds to any customer who will buy them. They have other types of funds.

Let me show you how these particular uninsured products, and the sales systems, work at some of our banks. Perhaps it is the bank that the Presiding Officer banks with. Perhaps it is the bank that I bank with.

Our customer case is Mrs. Jones. This is a true case of a 77-year-old widow who never put her money in anything but insured products like CD's. Our other cast members include Sally, who is Mrs. Jones' teller of many years in the bank where she banked. The cast of characters also includes David, a broker who was with the bank's brokerage subsidiary.

Teller No. 12 is Sally. She has identified a customer, Mrs. Jones, with a high amount of CD's coming due who, "came in today and wasn't sure what she would do with her money." She tells the broker about Mrs. Jones having these CD's coming due. Sally, the teller, is so excited because she gets a commission on referrals to the bank's brokerage arm. So Sally prints out a copy of Mrs. Jones' account history.

There is Mrs. Jones' account history. She sends it over to David across the hall, one of the brokers working at her branch. If Sally makes more referrals than her coworkers, she could win a prize, even a trip to Las Vegas.

Mrs. Jones is not the only bank customer whose records are shared with brokers without the customer's explicit knowledge and consent. In fact, my staff has seen proof that this practice is very widespread. For example, our staff has seen evidence that brokers have access to the banking records of a very, very high ranking U.S. Government official and those of a famous actor, which have been shared with many other people.

Until we started this investigation I had never heard of blitz night.

Some banks hold contests to see which of their tellers and customer service representatives can get the most bank customers into the bank to talk to a securities salesperson. Depository institution employees, who are winners of the blitz telephone calling contest, can now win unimaginable wealth.

Sally the teller, for example, participates in blitz night. Mrs. Jones, the 77-year-old bank customer, is contacted during one of these contests.

This basically spells it out for the bank employees, advertising: Blitz night, unimaginable wealth, fabulous prizes—for what? For making referrals to the bank's own broker who would then try to lure from CD accounts, Mrs. Jones and her type, to put their funds in uninsured funding properties.

When Sally the teller calls Mrs. Jones, Sally tells Mrs. Jones that she is calling from her branch bank, from Mrs. Jones' bank for many years. They know each other. So, from the start, Mrs. Jones associates the uninsured products that she will hear about later with what she knows about her depository institution. Such is the fact that she feels secure taking the advice from the people who work there, and the fact that she never has lost any money there in this bank in the past. Since it is somebody at her depository institution or her bank calling, Mrs. Jones figured that she would make an appointment as Sally suggests.

Now we are going to demonstrate how some of the brokers who are associated with the banks are trained to operate. In a moment I will show a document related to one bank's training program for brokers. First let me make a few important points about the documents. The following bank uninsured product sales system charts are an enlargement of selected pages from one large bank's training manual, used to train bank-based brokers as recently as last year. This is not something that was going on 10 or 20 or 30 years ago. It went on as recently as last year. And, Mr. President, it is going on this year.

Not all banks that sell securities did or do use this sort of training manual. However, our investigations suggest that more than a few banks use similar sales techniques. These charts that we will see represent just one example of how some banks have sales systems that, while not illegal necessarily, do tend to contribute to customer confusion. These training manuals are for the bank's internal purposes only and they are not ever seen by the public. They are not ever seen by Mrs. Jones, the potential customer. Thus, what the broker actually tells each customer varies from customer to customer.

Some representatives of the banking community have pointed out to me that, despite what a customer is told by a broker, all customers are required to sign a written disclosure form when they purchase an uninsured product. However as I explained in the statement I made on the floor last Tuesday, these written disclosure forms commonly do not help financially inexperienced customers fully understand what they are purchasing.

When Mrs. Jones comes into the bank in a few days and talks to somebody about getting higher rates on her money, there are things that cause Mrs. Jones to not totally understand the distinction between the depository institution and the brokerage business which might be just a few steps away.

These things which confuse Mrs. Jones include:

The bank has an FDIC emblem on the bank's doors.

The location of the broker's desk was near where Mrs. Jones had opened her CD account just last year.

The use of the bank's name and the bank's logo on the uninsured product's marketing material.

And, perhaps most importantly, Mr. President, what the broker tells Mrs. Jones about her investment.

This is a "person commercial" we see here, presented by Mrs. Jones' new broker named David. It makes it sound as if the only difference between the bank's brokerage business and the bank's depository business is some separation on paper for "tax reasons."

Another thing I would like to point out is that the broker tells Mrs. Jones that his "recommendations are on the best approaches available to investors today." However, in this particular case, David, the broker, receives a higher commission—this is very important—if he recommends one of the bank's inhouse mutual funds that are not insured by the Federal Government. This means that David has the incentive to push the bank's product regardless of its suitability for Mrs. Jones.

Let us talk about how the broker and the bank sometimes downplay the fact that the broker's products are not backed by the FDIC. Let us take Mrs. Jones once again. She is in ill health. She is 77. She is a widow. She knows that she is going to need that money eventually. So she asks the securities salesperson whether the investment he is offering—mutual funds, in this case—is insured by the FDIC. To Mrs. Jones, the FDIC seal that she saw in the bank is analogous to a "Good Housekeeping Seal of Approval."

This particular chart shows us what the broker, David, was trained to tell her. David does not tell her that the investment product is not insured by the FDIC, it is not insured by anything else, or that she could lose all of her money.

These are his talking points about which he is talking on the phone or in person with a potential customer like Mrs. Jones.

For example, he says, "With this investment, you can earn \$10,000 more in income over the next 5 years. This will go a long way toward providing you with a more comfortable retirement. Don't you agree?"

Then the next thing that he is instructed to ask, from instructions in his private book from the bank: "Ask for the order!" Once the order is given, and it is not FDIC insured, then a commission—a handsome commission, I might say—is paid to the broker and to the teller who made the reference of Mrs. Jones' case or her interest to buy some additional securities to the broker.

How do you change the mind, or how are these brokers and personnel taught

to change the mind of a customer who only wants to purchase a CD? Even though she may now think that the uninsured mutual fund is backed by the FDIC, Mrs. Jones becomes wary and she tells the broker, David, "I am not interested in anything but CD's."

Then the broker might say—once again, this is the sales system supplied by the bank and used by the broker to get money from CD's through the bank's own financial product, in this case, uninsured mutual funds—"If we could show you the way to cut your taxes hundreds or thousands of dollars a year, would you have some interest in learning more?" These are the "three dynamite questions" right here below that the broker is instructed to utilize in luring this poor widow woman's funds from CD's into uninsured funds. We see that it sounds pretty good to someone who might be on a fixed income with no other person to advise her.

Now, it is not over. David keeps plugging away. The broker keeps plugging away. What he recommends that this lady buy is not some fund that is insured by the U.S. Government. But now the bank has contrived a new name for a new fund for people just like this. Guess what the name of that fund is, Mr. President? It is called "U.S. Government Fund." And it says, "This is a mutual fund portfolio of securities issued by the United States Government and its agencies. The U.S. Government Fund currently pays a dividend of [blank] percent," and it goes on explaining the U.S. Government Fund, which in no way is tied to, in no way is an entity of, or in no way is insured by the Government of the United States.

Mr. President, it is a fraud, and it is wrong, and we must now do something about it.

Look at the number of times that the "United States" and "U.S." is mentioned on this particular chart. While the customer might not ever see this document, it is clear that the brokers are encouraged with their instruction sheets to frequently mention the "United States" and the "United States Fund."

Now, Mr. President, we come to the point where the broker has to make his sale. The pressure is mounting. The customer is confused. And this chart shows that Mrs. Jones agrees to buy into the bank's proprietary "U.S. Government Bond Fund." Once again, it is not insured, not a Government fund, but only named the "U.S. Government Bond Fund."

Mrs. Jones may have been convinced that the product was right for her, or she may be just deferring to David, who is part of the institution that she trusts so much, her bank, with the FDIC seal in the window. While Mrs. Jones is going to be asked to sign a disclosure form, this may not and probably will not help her realize that this product is probably not the right product for her.

More than a few financially inexperienced bank customers have told our committee staff that when they looked over the disclosure forms, they did not understand what they read. These customers typically would then ask the investment sales people to interpret the forms for them. In these cases, the sales people told their customers that the documents were just a "formality" to open the account, or that the form simply was stating what the sales people had told the customers.

It is not hard to identify the problem because the problem is, in some cases, the brokers have made misleading, false statements about the nature of the uninsured products when they describe them, such as, "This is as safe as the money in your pocket, and you will only lose money if the Federal Government goes bankrupt," or, "It is backed by something better than the FDIC."

Finally, the legislation that I introduced last Tuesday, which was crafted after numerous meetings with industry and consumer groups, would provide needed consumer protections for financially inexperienced customers. This legislation would provide protections to financially inexperienced bank customers by, one, full and clear disclosure about the risks associated with uninsured products; by establishing limits to compensation that institution employees receive for making referrals to securities sales people. Remember the case of Sally, Mr. President, our bank teller who got a nice commission by referring Mrs. Jones' private banking records and situation to a broker across the aisle from her; and to establish guidelines for uninsured products and promotional materials; common sense physical separation of deposit and nondeposit sales products would be another area of this legislation; and fifth, Mr. President, we would end in my legislation the practice of sharing bank customers' personal financial information without the customer's explicit consent; and finally, Mr. President, we would increase the coordination of securities enforcement activities between the Federal banking agencies and the Securities and Exchange Commission.

I am very hopeful that this will begin a dialog in which we will find as an end result a cure for this particular problem that we are addressing today in the Senate. It is a problem, we think, of severe magnitude. It is a problem which has not risen to the height of many of the concerns we have expressed here in recent months, but we do think this is a concern which should be addressed and should be one of protections that we should ensure for those potential customers of uninsured bank products such as mutual funds and certain bond funds that are uninsured.

Finally, Mr. President, if we do it for no other category of our population, let us do it for those individuals like Mrs. Jones, that 77-year-old widow who has no one to lean on, no advice, no ad-

viser, and truly finds herself in the grips of, in my opinion, unethical salespersons, unethical brokers, and people who are interested only in making certain that they receive a nice fat commission in selling Mrs. Jones uninsured bank products which truly may wipe out all of her assets.

Mr. President, I see no other speakers or Senators seeking the floor. I wish to thank the Chair, and at this time I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### GAO REPORT AND THE NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

Ms. MOSELEY-BRAUN. Mr. President, I rise today to present the results of the second in a series of five very important studies being conducted by the General Accounting Office on the condition of America's schools and to announce the creation of the National Education Technology Funding Corporation.

I first became aware of the problems facing our Nation's education infrastructure while serving in the Illinois House of Representatives. Throughout my 10 years in office, I visited school districts across the State and witnessed the deteriorating condition of public school facilities in both rural and urban districts alike.

Yet, it was not until I began working on education legislation in the U.S. Senate that I learned that the Federal Government had not collected data on the condition of our Nation's public school facilities since 1965.

#### GAO REQUEST

Knowing that my efforts to improve our Nation's education infrastructure would be limited by insufficient data, I sent a letter to the General Accounting Office last year, which was cosigned by Senators KENNEDY, PELL, SIMON, and WELLSTONE, requesting a comprehensive, nationwide study on the condition of our Nation's public school facilities.

In responding to my request, the General Accounting Office surveyed a random sample of our Nation's 15,000 school districts and 80,000 public schools from April to December 1994. GAO staff members also visited 41 schools in 10 school districts across the country to supplement their quantitative data with personal observations. Based on responses from 78 percent of the schools sampled, GAO began preparing five separate reports on the condition of our Nation's public schools.

#### FIRST GAO REPORT

The first GAO report, which was released on February 1, 1995, examined

the education infrastructure needs of our Nation's public elementary and secondary schools. As expected, this report made clear what most of us already knew; that our schools are deteriorating and we need to fix them.

The GAO report concluded that our Nation's public schools need \$112 billion to restore their facilities to good overall conditions; that is to say, without code violations and the like. This was not decorating issues—good overall conditions.

Of this amount, the GAO found that public schools needed \$11 billion just to meet the Federal requirements—including \$6 billion to make all programs accessible to all students and \$5 billion to correct or remove hazardous substances.

And so the first report focused in on the basic facility infrastructure needs and reached the conclusion that we needed \$112 billion just to get our schools up to code, removed of health and safety violations and threats to the students.

#### SECOND GAO REPORT

The second GAO report, which was released today, focuses on our Nation's education technology infrastructure needs. Once again, this report concludes that our Nation's public schools are not designed or sufficiently equipped to prepare our children for the 21st century. And that is actually the name of it: "School Facilities: America's Schools Not Designed or Equipped for the 21st Century." It is a pretty devastating title for the report itself, and this was a serious study that was done by the GAO.

More specifically, the GAO report found that more than half of our Nation's public schools lack six or more of the technology elements necessary to reform the way teachers teach and students learn including: computers; printers; modems; cable TV; laser disc players; VCR's; and TV's.

In fact, the GAO report found that even more of our Nation's schools do not have the education technology infrastructure necessary to support these important audio, video, and data systems. For example, this report concludes that: 34.6 percent of schools lack sufficient electrical power for computers; 46.1 percent lack sufficient electrical wiring; 51.8 percent lack sufficient computer networks; 60.6 percent lack sufficient conduits and raceways; 86.8 percent lack fiber-optic cable; 61.2 percent lack sufficient phone lines for instructional use; and 55.5 percent lack sufficient phone lines for computer modems.

Mr. President, the General Accounting Office further examined these national statistics and confirmed our worst fears: that the availability of education technology in our Nation's public schools is directly correlated with community type, the percentage of minority students, and the percentage of economically disadvantaged students.

In other words, the GAO report found that although our Nation's education technology needs are great in both rural and urban school districts, urban schools have greater education technology needs in every category. It also found that the education technology needs in our Nation's schools increase in every category as the percentages of minority students and students receiving free or reduced lunches increase.

Mr. President, these results are simply unacceptable. There is absolutely no reason why, in 1995, all of our Nation's children should not have access to the best education technology resources in the world.

I point out that as between urban and rural, this issue affects rural school districts as much as it does urban school districts. The children in rural communities are denied access to the sources of information, the data, the resources that are out there for them to improve their opportunities for education, as well as children in urban areas where there is a greater concentration of students.

As you know, we are in a new era in economic competition. All over the world, barriers to trade between nations are falling. We are witnessing the development of a truly global marketplace. I believe that America can lead the way in this marketplace. But if we are to succeed, if we are to retain our competitiveness into the 21st century, there must be a renewed commitment to education in this country.

If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what education is all about. No issue is more critical to our country. And no issue is more important to me. Nothing makes a bigger difference in a person's life than opening opportunities. Certainly nothing has made a bigger difference in my life.

It is vital to the interest of our Nation that we maintain quality public education for everyone. Education is not just a private benefit but a public good as well. It is the cornerstone of a healthy democracy and, as a society, we all benefit from a well-educated citizenry. It is the means by which we prepare our children to succeed—to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace and, indeed, to compete in this global economy.

Without a strong education system in this country, our young people will not be prepared and will not be able to hold their own in competition with the other communities in the world, which devote a greater proportion of their resources to the education of their children and the preparedness of their work force.

#### TECHNOLOGY

Nonetheless, it will be difficult if not impossible for us to prepare our children to compete in the emerging global economy through the current edu-

cational system. In order to prepare American students to compete with their foreign counterparts, systemic school reform must occur. Systemic school reform means taking into account and addressing all aspects of the educational system.

Mr. President, the increased competition created by the emerging global economy requires teachers and students to transform their traditional roles in many ways. It requires teachers to act as facilitators in the classroom, guiding student learning rather than prescribing it. It also requires students to construct their own knowledge, based on information and data they manipulate themselves.

Technology can help teachers and their students successfully play the new roles that are being required of them. Technology can help teachers report and chart student progress on a more individualized basis. It can also allow them to use resources from across the globe or across the street, for that matter, to create different learning environments for their students without ever leaving the classroom.

On the other hand, technology can allow students to access the vast array of material available electronically and to engage in the analysis of real world problems and questions.

#### CENTENNIAL HIGH SCHOOL

Mr. President, by way of example, advanced chemistry students at Centennial High School in Champaign, IL, are currently taking advantage of the benefits associated with education technology.

Here is one of the deans of education on the floor, Mr. President, Senator PELL. Of course, his name is so well associated with education. I had someone say to me, "Senator PELL made it possible for me to go to college," because of Pell grants, and I thought that was one of the finest compliments that could ever be given to an individual.

Mr. PELL. Thank you very much.

Ms. MOSELEY-BRAUN. To continue, Mr. President, through an innovative partnership with the National Center for Supercomputing Applications, these students are developing experiments that allow them to move parts of molecules on their computer screens in response to their own computer commands. In one type of simulation, students watch the orbitals of models in reaction to imposed actions. Another type of simulation demonstrates the ionization of atoms—how the size of atoms changes when ions are added or subtracted. That is precisely the kind of education that we want to make available to every child in America. It is the challenge of the education infrastructure that I think we have to meet in order to do so.

#### LOCAL PROPERTY TAXES

Mr. President, we are failing to provide all of our Nation's children with education technology resources like those being provided at Centennial High School because the American sys-

tem of public education has forced local school districts to maintain our Nation's education infrastructure with local property taxes.

For a long time, local school boards were able to meet that responsibility. However, the ability of local school boards to continue to meet that responsibility has steadily declined.

Local property taxes are now all too often an inadequate source of funding for public education. What is even worse is that this financing mechanism makes the quality of public education all too dependent on local property wealth.

As a result, the second GAO report found that, on average, only 8 percent of local school bonds was spent on computers and telecommunications equipment. That is, for the average \$6.5 million bond, only \$155,000 or 2 percent was provided for the purchase of computers and only \$381,100 or 6 percent for the purchase of telecommunications equipment.

Nonetheless, most States, including my own of Illinois, continue to force local school districts to rely increasingly on local property taxes for public education, in general, and for education technology projects, in particular. In Illinois, for example, the local share of public education funding increased from 48 percent during the 1980-81 school year to 58 percent during 1992-93 school year, while the State share fell from 43 to 34 during this same period of time.

I believe the Federal Government must also, frankly, accept a share of the blame for failing to provide our Nation's children with environments conducive to learning. The Federal Government's share of public education funding has fallen from 9.1 percent during the 1980-81 school year to 5.6 percent during the 1993-94 school year.

#### GOALS 2000

Mr. President, Congress passed the Goals 2000: Educate America Act which President Clinton signed into law on March 31, 1994. I supported this legislation because it promises to create a coherent, national framework for education reform founded on the national education goals—including the seventh national education goal which promotes parental involvement at all grade levels.

Nonetheless, I firmly believe that it is inherently unfair to expect our children to meet national performance standards if they do not have an equal opportunity to learn.

If they are denied equal access and equal facilities, then they will have a very difficult time meeting and supporting national expectations and standards.

#### EDUCATION INFRASTRUCTURE ACT

That is why, last year, I introduced the Education Infrastructure Act. That legislation addresses the problems highlighted in the first GAO report by helping local school districts ensure the health and safety of students

through the repair, alteration, renovation, and construction of school facilities.

More specifically, that legislation authorizes the Secretary of Education to make grants to local school districts with at least a 15-percent child poverty rate and urgent repair, renovation, alteration, or construction needs. Clearly, with the needs being so great, we had to come up with a formula that will now begin to address the problem. But at least we will give a start in that direction.

The legislation which will be introduced shortly, in keeping with the second report regarding technology infrastructure, takes a slightly different tack. John Danforth—I know the Presiding Officer was familiar with former Senator Danforth from Missouri—Jim Murray, past president of Fannie Mae, and Dr. Mary Hatwood Futrell, past president of the National Education Association, joined forces today to address the problem highlighted in the second GAO report.

These three leaders in the area of education and finance came together today to establish the National Education Technology Funding Corp., as a private, nonprofit organization, dedicated to improving our Nation's education technology infrastructure.

The National Education Association, the National School Board Association, and the American Library Association, and I strongly support this effort to link public schools and public libraries to the information superhighway. As outlined in its articles of incorporation—incorporated today in the District of Columbia—the National Education Technology Funding Corp. is specifically designed to, first, leverage resources and stimulate private investment in education technology infrastructure; second, provide loans, grants, and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such school districts; third, encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance; fourth, to establish criteria to encourage the States to create, maintain, utilize and upgrade interactive high-capacity networks capable of providing audio, visual, and data communications for elementary schools, secondary schools, and public libraries; to distribute resources to assure equitable aid to all elementary and secondary schools in the State and achieve universal access to network technology; and finally, to upgrade the delivery of instruction to students.

Mr. President, former Senator Danforth, Mr. Murray, and Mrs. Hatwood Futrell created the National Education Technology Funding Corp. because

they recognized that States and local school districts need help financing education technology equipment and infrastructure improvements.

They also recognize the need for both public and private investments in our Nation's education technology infrastructure. That is why their corporation will be operated by a board of directors which will include five members representative of public schools and public libraries; five representatives of the State education agencies; and five members representative of the private sector.

#### INFORMATION SUPERHIGHWAY

Mr. President, President Clinton and Vice President GORE have also taken leadership roles in addressing our Nation's technology infrastructure needs. On the 15th of September, 1993, the information infrastructure task force created by the Vice President released its report, entitled "National Information Infrastructure: Agenda for Action."

That report identified nine principles for Government action to promote the information superhighway—the metaphor used to describe the evolving technology infrastructure that will link homes, businesses, schools, hospitals, and libraries to each other and to a vast array of electronic information resources.

On this same day, President Clinton issued Executive Order 12864 which created the National Information Infrastructure Advisory Counsel to facilitate private sector input.

Mr. President, a substantial portion of the information superhighway already exists. Approximately 94 percent of American households have telephone service, 60 percent have cable service, 30 percent have computers, and almost 100 percent have radio and TV. Local and long distance telephone companies are investing heavily in fiber optic cables that will carry greater amounts of information, cable companies are increasing their capacity to provide new services, and new wireless personal communications systems are under development. One prototype, which I am sure the chair has heard about, the Internet, connects 15 to 20 million people worldwide.

#### FEDERAL SUPPORT

Nonetheless, the results of the second GAO report suggest to me that the Federal Government must do more to build the education portion of the national information infrastructure.

Federal support for the acquisition and use of technology in elementary and secondary schools is currently fragmented, coming from a diverse group of programs and initiatives. Although the full extent to which the Federal Government currently supports investments in education technology at the precollegiate level is not known, the Office of Technology Assessment estimated in its report that the programs administered by the Department of Education provided \$208

million for education technology in 1988.

#### COST OF TECHNOLOGY

There is little doubt that substantial costs will accompany efforts to bring information technologies into precollegiate education in any comprehensive fashion. In his written testimony before the House Telecommunications and Finance Subcommittee on September 30, 1994, Secretary of Education, Richard Riley, estimated that it will cost anywhere from \$3 to \$8 billion annually to build the education portion of the national information infrastructure. The Office of Technology Assessment has also estimated that the cost of bringing the students-to-computer ratio down to 3-to-1 would cost \$4.2 billion a year for 6 years.

Mr. President, I will soon introduce legislation designed to help States and local school districts meet these costs by authorizing Federal departments and agencies to make grants to the National Education Technology Funding Corp.

Rather than creating another bureaucratic Federal program, this legislation would provide Federal support for education technology through the NETFC—an innovative, bipartisan, public-private partnership.

The seed money will help the NETFC provide low-interest loans, loan guarantees, grants, and other forms of assistance to States in order to help them improve their education technology infrastructures.

This legislation will not infringe upon local control over public education in any way. Rather, it will supplement, augment, and assist local efforts to support education technology in the least intrusive way possible, by helping local school boards and States improve their own facilities.

Mr. President, I ask unanimous consent that the GAO report be printed in its entirety in the RECORD.

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

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

SCHOOL FACILITIES—AMERICA'S SCHOOLS NOT DESIGNED OR EQUIPPED FOR 21st CENTURY

U.S. GENERAL ACCOUNTING OFFICE,  
HEALTH, EDUCATION, AND HUMAN  
SERVICES DIVISION,

Washington, DC, April 4, 1995.

Hon. CAROL MOSELEY-BRAUN, Hon. EDWARD M. KENNEDY, Hon. CLAIBORNE PELL, Hon. PAUL SIMON, Hon. PAUL WELLSTONE,  
U.S. Senate.

A skilled workforce is necessary to increase productivity so that a society can maintain and enhance its standard of living. Therefore, education and future employment opportunities for our nation's children and teenager is a concern that transcends traditional geographic, economic, and political boundaries. Towards that end, in your letter of February 15, 1994, you requested information on the physical condition of the Nation's public elementary and secondary schools. We presented national-level information on the physical condition of the nation's school facilities in School Facilities: Condition of America's Schools (GAO/HEHS-

95-61 Feb. 1, 1995). In that report, on the basis of estimates by school officials in a national sample of schools, we estimated that the nation's schools need about \$112 billion<sup>1</sup> to repair or upgrade America's multibillion dollar investment in school facilities to good overall condition.

In addition, you asked us to document the extent to which America's 90,000 schools are designed and equipped to meet the needs of today's students and tomorrow's workers. Specifically, can America's schools provide the key facilities requirements and environmental conditions for education reform and improvement? do America's schools have appropriate technologies, such as computers, and the facility infrastructure to support the new technologies? In short, do America's schools have the physical capacity to support learning into the 21st century?

To answer these questions, we surveyed a nationally representative stratified random sample of about 10,000 schools and augmented the survey with visits to 10 selected school districts. Our analyses otherwise noted, sampling errors do not exceed 2 percent. (See app. VI for a discussion of methodology.) We conducted our study between January 1994 and March 1995 in accordance with generally accepted government auditing standards.

#### RESULTS IN BRIEF

School officials in a national sample of schools reported that although most schools meet many key facilities requirements<sup>2</sup> and environmental conditions<sup>3</sup> for education reform and improvement, most are unprepared for the 21st century in critical areas:

Most schools do not fully use modern technology. Although at least three-quarters of schools report having sufficient computers and televisions (TV), they do not have the system or building infrastructure to fully use them. Moreover, because computers and other equipment are often not networked or connected to any other computers in the school or the outside world, they cannot access the information super highway.

Over 14 million students attend about 40 percent of schools that reported that their facilities cannot meet the functional requirements of laboratory science or large-group instruction even moderately well.

Over half the schools reported unsatisfactory flexibility of instructional space necessary to implement many effective teaching strategies.

Although education reform requires facilities to meet the functional requirements of key support services—such as private areas for counseling and testing, parent support activities, social/health care, day care and before- and after-school care—about two-thirds of schools reported that they cannot meet the functional requirements of before- or after-school care or day care.

Moreover, not all students have equal access to facilities that can support education into the 21st century, even those attending school in the same district. Overall, schools in central cities and schools with a 50-percent or more minority population were more likely to have more insufficient technology elements and a greater number of unsatisfactory environmental conditions—particularly lighting and physical security—than other schools.

#### BACKGROUND

Education Reform.—Education reform is a national movement to raise standards for all students at all schools. It focuses on changes designed to improve student outcomes by (1) determining what students should know and be able to do and (2) ensuring that the key components of the educational system are

directed to achieving those outcomes.<sup>4</sup> To accomplish these objectives, education reform efforts are introducing new teaching methods, assessments, curricula, instructional materials, and technology into school buildings.

To improve instruction, reform advocates recommend that a school use new techniques for teaching and evaluating students and involve teachers in developing curricula, redesigning instruction, and planning staff development. To help achieve desired educational outcomes, advocates also recommend that schools enlist parents to monitor their children's progress and participate in school activities, in part by volunteering as tutors and acting as teacher aides. Finally, to further ensure the success of educational reform, advocates recommend that schools help provide health and social services to students as well as before- and after-school care and day care.<sup>5</sup>

For example, when teachers evaluate students in new ways, they need space to display and store student projects and journals. Likewise, changes in instructional programs or techniques—such as adopting an ungraded primary system or creating a school-within-a-school—require space for large-group and small-group instruction. Adding an all-day kindergarten, extended-day programs, or even new computer courses<sup>6</sup> also call for special or dedicated space. Therefore, school facilities that can support education reform activities and communications technologies will not resemble or operate as schools built in the 1950s.

Rather than uniform-sized classrooms with rows of desks, a chalkboard, and minimal resources such as textbooks and encyclopedias, schools prepared to support 21st century education would have: Flexible space, including space for small- and large-group instruction; space to store and display alternative student assessment materials; facilities for teaching laboratory science, including demonstration and student laboratory stations, safety equipment, and appropriate storage space for chemicals and other supplies; and a media center/library with multiple, networked computers to access information to outside libraries and information sources.

In addition, such schools would also have space for a variety of support activities: private areas for student counseling and testing and for parent support activities, such as tutoring, planning, making materials, and the like; social and health care services; day care; and before- and after-school care.

Schools would also have the capacity to operate year round, 24-hours per day if necessary, providing a safe and well-lit environment with satisfactory heating, air-conditioning, ventilation, and air quality and with appropriate acoustics for noise control. In addition, schools would have enough high-quality computers, printers, and computer networks for instructional use; modems; telephone lines for modems and telephones in instructional areas; TVs; laser disk players/video cassette recorders (VCR); cable TV; fiber optic cable; conduits/raceways for computer and computer network cables; electric wiring; and power for computers and other communications technology.<sup>7</sup> Networking capability in the classroom allows for use of a wide range of teaching and learning strategies that are not possible with stand-alone computers. For example, networks allow: Groups of students simultaneous access to large data sources; students to communicate with each other and with teachers in their own school, and with teachers and students in other schools; and teachers to interact with students by computer as students work—engaging in online dialogs, referring to additional resources—or students to engage in group projects.

Communications Technology in Schools.—Although technology is changing constantly and quickly becoming defined by complex interactive and multimedia<sup>8</sup> technologies and standards are only beginning to emerge,<sup>9</sup> it is helpful to regard school communications technology as comprising four basic electronic systems: technology infrastructure, data, voice, and video. These systems transmit data—by computer networks, voice—by phone lines, and video—by TV within the school, among different school buildings, to the outside world, and even to outer space.

Technology Infrastructure.—Of the four systems, technology infrastructure may be the most important and least understood. Data, voice, and video systems cannot operate without the supporting building or system infrastructure. Building infrastructure consists of what needs to be built into the facility to make any technology operate effectively in the school: the conduits/raceways through which computer and computer network cables are laid in the school, the cables and electrical wiring for computers and other communications technology, and the electrical power and related building features such as electric outlets. Although designing a new building with this infrastructure included is relatively easy and inexpensive, installing it in existing school buildings can be expensive and disruptive.

The other type of infrastructure—system infrastructure—links up various technology components. For example, computer network infrastructure consists of the software that runs the networking function. It links all computers in a class or in the school or the computers in the school with computers in the outside world—as well as special pieces of hardware such as servers (computers with large information storage capabilities that allow many users to share information) whose purpose is to run the network. Besides the network infrastructure, modems—small electrical devices that allow computers to communicate with each other through the phone lines—are another basic component of systems infrastructure that links data, voice, video, and even multimedia systems.

This technology infrastructure, although initially more costly than the basic computer/printer, may have substantially more value. Educationally, it can link even the most remote or poor school with vast resources, including the finest libraries and the best teachers, for a wide range of courses or course enhancements, such as "virtual" field trips. Financially, according to the North Central Regional Educational Laboratory, the Internet and the emerging video and imaging technologies could be used to change the economic basis of schooling by drawing upon the free or low-cost resources and services to replace textbooks and other costly instructional materials, software, and other programs. Those funds could then be used for additional staffing, local curriculum development, developing technology staff, ongoing local staff development, and the like.<sup>10</sup>

Data Systems.—Basic data systems include computers, some with compact disk read-only memory (CD-ROM) capability, connected to printers. A baseline data system enables instructional computers to communicate with similar devices in the classroom or the school (local area networks). Optimally, a data system also includes computer networks compatible with outside resources (wide area networks) such as the Internet;<sup>11</sup> computers in the central office, in other schools, and home computers; and databases from the Department of Education or Library of Congress.

<sup>1</sup>Footnotes at end of article.

**Voice Systems.**—Voice systems include accessible two-way voice communication and messaging (telephone) systems for staff members to communicate with each other in the building and with the school community. A baseline system includes a public address system, some outgoing lines and telephones serving school offices and staff members, and incoming lines to meet community and administrative needs. Optimally, it also includes more outgoing and incoming lines and sufficient capacity to allow for such developing technologies as voice processing and voice mail.

**Video Systems.**—Video systems provide accessibility to television communication and all forms of video transmission from school locations as well as from the outside. A baseline system includes capability to receive instructional and teacher professional programming as well as commercial and public television stations whether through a master antenna or cable, microwave, or satellite. An optimal system with today's technology also includes capability in classrooms and teachers' offices to dial up video sources in the school media center and to conduct two-way video-interactive classes between classrooms, inside the school, and between schools.

**Only a Few Schools Have State-of-the-Art Communications Technology.**—Today new schools are being designed with these changes in mind. Yet we only have a handful of schools—mainly science high schools like Stuyvesant High School in New York City or Thomas Jefferson High School in Virginia—that model state-of-the-art communications technologies. However, to prepare the nation's children and teenagers to be competitive workers in the 21st century, experts and business leaders say modern communication technologies should be part of America's elementary and secondary education, not just the sole province of a few schools.

An example of state-of-the-art technology can be found in the new Stuyvesant High School. Serving about 3,000 students, it has over 400 computers, most of which are arranged in 15 networks, with access to the Internet, as well as four antennae on the roof to communicate with satellites and virtually anyone else in the outside world. This school can directly access the latest information from the most sophisticated scientific satellites and participate in interactive "classes" with scientists in the field in the Amazon rain forest via interactive, multimedia networks like the JASON Project. This allows the students to talk with these scientists and observe them and the rain forest on their TV screens during class, allowing them to go on "virtual" field trips worldwide.

**Federal Legislation Supports Reform and Technology.**—Recent federal legislative initiatives supporting education reform and technology include (1) Improving America's Schools Act of 1994, which authorized \$200 million for technology education for 1995 and an additional \$200 million for the new education infrastructure improvement grants; and (2) Goals 2000: Educate America Act, passed in 1994, which establishes an Office of Educational Technology in the Department of Education. Goals 2000 requires states that wish to receive funding under the statute to develop a state improvement plan for elementary and secondary education. This plan should include a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development to support the National Education Goals and state content standards and state student performance standards. Central to both these acts is the idea that children are entitled to an opportunity to acquire the

knowledge and skills contained in these standards, often referred to as "opportunity to learn."<sup>12</sup> Figure 1 depicts various school facilities around the country. [Figure 1 not reproducible in RECORD.]

**Most Schools Have Computers and TVs but Little Infrastructure to Fully Use Technologies.**—Over three-quarters of the schools reported having sufficient computers and TVs. Two-thirds reported having sufficient printers, laser disk players/VCRs,<sup>13</sup> and cable TV. However, school officials reported that about 10.3 million students in about 25 percent of the schools do not have sufficient computers. Although most schools report having enough computers and other basic technology elements,<sup>14</sup> they do not have the technology infrastructure to fully use them. (See fig. 2 and table 1.) [Figure 2 not reproducible in RECORD.]

TABLE 1—MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING INSUFFICIENT CAPABILITY TO SUPPORT TECHNOLOGY

Technology element	Percent of schools	Number of schools	Number of students affected (in millions)
Fiber optics cable .....	86.8	66,000	35.4
Phone lines for instructional use .....	61.2	47,000	24.8
Conduits/raceways for computer/computer network cables .....	60.6	46,600	24.9
Modems .....	57.5	44,200	23.0
Phone lines for modems .....	55.5	42,700	22.5
Computer networks for instructional use ..	51.8	40,100	20.7
Electrical wiring for computer/communications technology .....	46.1	35,700	19.3
Electrical power for computers/communications technology .....	34.6	26,800	14.5
Laser disk player/VCR .....	33.5	25,700	13.5
Cable TV .....	31.7	24,200	12.2
Computer printers for instructional use ...	29.3	22,700	11.9
Computers for instructional use .....	25.2	19,500	10.3
TVs .....	15.9	12,200	6.8
Schools reporting six or more insufficient technology elements .....	51.9	40,400	21.3

Even in schools reporting enough computers, over one-third reported insufficient electrical wiring for computers/communications technology. Computers and other equipment that are not networked or capable of communicating with anything else in the school or in the outside world may be sufficient for basic or reinforcement activities. They are limited, however, in their access to the vast amount of electronic information available and do not allow for new information to come into the system or for the interaction between students, students and teachers, or the school and the outside world.

Over half of America's schools reported insufficient capability in modems, phone lines for modems, phone lines for instruction, conduits/raceways, and fiber optics. (See table 1 and, for more detail, tables III.1 and III.2 in app. III.)

The following details emerged from the survey: In central cities, over 60 percent of schools reported insufficient networks, modems, phone lines (for modems or instruction), conduits, and fiber optic cables. Over half reported insufficient capability for electrical wiring for computer technology. (For more detail, see table III.4 in app. III.)

Regional analyses show that schools in the West reported the least sufficient technology. (For more detail, see table III.7 in app. III.)

Schools with inadequate buildings<sup>15</sup> also were more likely to report insufficient capability to support technology. In every area of communications technology we asked about, schools with no inadequate buildings reported greater sufficiency than schools with one or more inadequate buildings. However, even in schools reporting no inadequate buildings, about one-half or more reported insufficient capability in areas related to interconnectivity, such as networks, modems, and fiber optics.

Site visits supported the survey results:

In Ramona, California, we learned that some schools needed to retrofit wiring to increase power for more demanding technologies; one elementary school had only two outlets in each classroom. Moreover, if four teachers used their outlets at the same time, the circuit breakers tripped. This happened about once a month.

A school official in Montgomery County, Alabama, said that new electrical systems to accommodate computers and other technologies were the most common renovation needed in schools.

In our site visit to Washington, D.C., officials told us that while many schools have computer laboratories with new computer equipment, these will need upgraded electrical systems, lighting, and air-conditioning to provide an adequate learning environment.

In one school we visited in Chicago, computers were still in boxes because the school did not have sufficient power and outlets to use them.

In looking at the uses of bond proceeds in the districts, on average, school officials reported that only 8 percent of the most recently passed bond was spent for purchase of computers and telecommunications equipment. That is, for the average \$6.5 million bond issue, about \$155,600 or 2 percent was provided for the purchase of computers and about \$381,100 or 6 percent for the purchase of telecommunications equipment. (See app. II.)

**Selected respondent comments.**—"Our building, built in 1948, was wired for a film-strip projector."

"We live in a state where we put more technology and safety in an automobile than we do in our schools."

"We are not ready to join the information network proposed by Vice President Gore."

"Our computers are mostly donated. What few we purchased were bought in 1984—the kids laugh at them, they have better at home."

"The number of computers in the buildings is limited, and we currently have one computer bus serving all six elementary schools. The time for students to spend on the computers is obviously limited."

"Facility adaptation for computer networks, video networks, and phone access is expensive and makes justifying purchase of computer hardware more difficult."

SCHOOLS REPORTED LACKING KEY FACILITIES REQUIREMENTS FOR EDUCATION REFORM

When asked how well their buildings meet the functional requirements of specified activities related to school reform and improvement, many survey respondents reported that they met these requirements "not well at all." (See table 2.) For example, although 58 percent of schools reported meeting the functional requirements of laboratory science at least somewhat well, in fact, about 14.6 million students are in the 42 percent of schools where officials report that the facilities requirements for laboratory science are met not well at all (see fig. 3 and table 2).

[Figure 3 not reproducible in RECORD.]

TABLE 2: MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING THEY MEET THE FUNCTIONAL REQUIREMENTS OF SOME KEY EDUCATION REFORM ACTIVITIES NOT WELL AT ALL

Activity	percent of schools	Number of schools	Number of students affected (in millions)
Instructional activities:			
Laboratory science .....	42.0	32,100	14.6
Large-group instruction .....	38.2	29,500	14.3

TABLE 2: MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING THEY MEET THE FUNCTIONAL REQUIREMENTS OF SOME KEY EDUCATION REFORM ACTIVITIES NOT WELL AT ALL—Continued

Activity	percent of schools	Number of schools	Number of students affected (in millions)
Storage of student assessment materials	31.3	24,000	12.9
Display student assessment materials	27.6	21,200	11.1
Library/media center	13.4	10,400	4.2
Small-group instruction	9.5	7,300	3.7
Support activities:			
Day care	77.5	55,900	29.0
Before/after school care	58.8	43,100	22.4
Social/health care services	27.0	20,900	10.5
Private areas for counseling and testing	25.7	19,900	10.1
Parent support activities	23.5	18,200	9.7
Teacher planning	13.1	10,200	5.1

Note: Survey respondents rated the ability of their school facilities to meet the functional requirements of key education reform activities on the following scale: very well, moderately well, somewhat well, and not well at all.

Only seven states—District of Columbia, Georgia, Indiana, New Jersey, New Mexico, Pennsylvania, and Texas—had 20 percent or more of their schools meeting at least somewhat well the functional requirements for some educational reform and improvement activities. While 40 states reported that 50 percent or more of their schools had three or more specified requirements that they met not well at all, 5 states—Arkansas, California, Maine, Ohio, and Rhode Island—reported 70 percent or more of their schools in this condition. (For more detail, see tables IV.1 and IV.2 in app. IV.)

Nationwide, 42 percent of schools reported that their buildings met the functional requirements of laboratory science not well at all, affecting 14.6 million students. Forty-three states reported that one-third or more of their schools met functional requirements for laboratory science not well at all. Eight states—Alaska, California, Delaware, Maine, Nevada, Ohio, Oregon, and Washington—reported that 50 percent or more of their schools were in this condition. (For more detail, see table IV.3 in app. IV.)

Nearly four out of five schools nationwide reported that they could not meet at all well the functional requirements of day care. (See fig. 3.) Forty-five states reported that two-thirds or more of their schools were in this condition. (For more detail, see table IV.3 in app. IV.)

Nationwide, about three out of five schools reported that they met the functional requirements of before- and after-school care not well at all. Forty-eight states reported that one-third or more of their schools were in this condition.

About two out of five schools nationwide reported that they met the functional requirements of large-group instruction not well at all, a condition affecting 14.3 million students. Thirty states reported that one-third or more of their schools were in this condition. Four states—Alaska, California, Kansas, and Nebraska—reported over half their schools in this condition. (For more detail, see table IV.1 in app. IV.)

These problems were also demonstrated on our site visits:

Officials in Chicago told us that only one-fourth of Chicago's schools have properly equipped science laboratories, with water, power, gas, vacuum, and appropriate mechanisms for air and waste removal.

At the high school in Raymond, Washington, officials said that they need flexible space for large- and small-group instruction. Science classes have outdated equipment, and reading areas in the media center are noisy and poorly lighted. Officials also say they desperately need a day care center to keep young women with babies in school.

In New Orleans, officials told us that most secondary schools lack science laboratories that meet current safety needs, such as adequate air circulation, ventilation, emergency shut-offs for gas and electricity, emergency eye washes, and showers.

Selected Respondent Comments.—“These schools, as others over thirty years of age, while well-maintained, cannot provide the type and variety of instructional space necessary for the education programs of the 21st century without major renovations.”

“The buildings were built for twenty-five students per class with no extra rooms, no small and/or large group areas, and no planned storage space. Consequently, the facilities are certainly not conducive to new or different class size configurations or lesson delivery formats.”

Most Schools Report Most Environmental Conditions Satisfactory, but Problems Remain.—Overall, most school officials reported satisfaction with most environmental factors associated with learning.<sup>16</sup> (See table 3.) However, 22 million students are in 53.9 percent of the schools that reported that their instructional space flexibility was unsatisfactory. Rates of unsatisfactory environmental conditions tend to be higher in schools where over 40 percent of the students are approved to receive free or reduced lunch, where over 50 percent of the students are minority students, in schools in the West. (See app. V.)

TABLE 3: MILLIONS OF STUDENTS ATTEND SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL CONDITIONS

Environmental factor	Percent of schools	Number of schools	Number of students affected (in millions)
Acoustics for noise control	28.1	21,900	11.0
Ventilation	27.1	21,100	11.6
Physical security of buildings	24.2	18,900	10.6
Heating	19.2	15,000	7.9
Indoor air quality	19.2	15,000	8.4
Lighting	15.6	12,200	6.7

Air-conditioning is no longer a luxury for schools if they want to effectively operate in hot weather or use computers. Moreover, in recent years, researchers have pointed to a relationship—although inconclusive—between certain environmental conditions and student learning.<sup>17</sup> In particular, air-conditioning has been cited as affecting learning. Of those schools noting that they had air-conditioning, 15.4 percent (6,000 schools) reported unsatisfactory air-conditioning, affecting about 4.2 million students.

The majority of schools reported that they were satisfied with their air-conditioning, although only half of the schools responding to our survey reported that they had air-conditioning in classrooms. The geographic patterns of air-conditioning in classrooms generally follow climate patterns. (For more detail, see fig. V.1 in app. V.) Three-quarters of schools reported that they had air-conditioning in their administrative areas. Only three states—New York, Oregon, and Rhode Island—indicated that over a third of their schools had unsatisfactory air-conditioning in their classrooms.

We found examples of problems caused by unsatisfactory air-conditioning in our site visits. In New Orleans, nearly half of the schools have no air-conditioning, despite the average relative humidity in the morning of 87 percent. Faced with a similar situation in Richmond, Virginia, school officials told us that students with asthma get sick from the heat; schools close early in the hot fall and spring months, decreasing instructional time.

#### SELECTED RESPONDENT COMMENTS

“Our school district facilities are currently meeting the needs of our students. We have not been impacted by population growth, lawsuits, or other major problems that would force our resources in other areas. Due to conservative spending practices by our school board and adequate funding by the state of Wyoming in the past decade, we have adequate carryover to provide needs without asking for state assistance or a bond issue.”

“Building design in the 1950s and 60s did not include air-conditioning or even windows that opened for schools, thus much renovation is needed in our district.”

“The middle school is depressing when you walk into it. We are having to use gym dressing rooms as regular classrooms.”

“The appearance and condition of school buildings is an important factor in positively influencing urban students. The continued neglect of the public school infrastructure at both state and federal levels continues to subject our students and staff to conditions which do not ensure their welfare and safety.”

#### BEST AND WORST SCHOOLS SOMETIMES FOUND IN SAME DISTRICT

Although some children have access to facilities that can support education in the 21st century, many do not. Schools differ dramatically, even in the same district. Our site visits revealed that the ability of school facilities to support education reform ranges widely. Because of the need to ease overcrowding in some areas, schools are constantly being built, even in impoverished cities. These new schools are generally equipped to implement education reform and improvement activities. However, with construction of new facilities taking priority over maintaining and renovating current buildings, gross inequalities may result in the same school district. For example, in Pomona, California, officials told us that to be ready for education in the 21st century, Pomona's older schools need additional wiring and outlets to use new technology and facilities for large-group instruction, storage of student assessment materials, social and health services, teachers' planning areas, and the like. In contrast, the newest school has a satellite dish, an electrical system built to handle anticipated technology, collapsible walls that facilitate team teaching or small-group instruction, enormous amounts of storage space, and large amounts of space for a variety of services and activities.

#### CONCLUSIONS

Many education reformers say that holding students to nationwide standards is unfair if they have not had an equal—or roughly equal—opportunity to learn. If schools cannot provide students with sufficient technological support or facilities for instruction and services, they may not be providing even a roughly equal opportunity for all students to learn. This is particularly true in central cities and in schools that serve high percentages of minority and poor students.

Far from the high-tech world of interactive media and virtual reality, many of our schools are wired for no more than filmstrip projectors. As one respondent commented,

“We need technology in the schools and teachers who can use the equipment. The percentage of teachers who can use computers is abysmally low, yet computers only scratch the surface of technology that should be available to all students, not just those who live in affluent areas. Interactive TV and telecommunications is a must in all schools, yet the cost of this technology remains prohibitively high for most small

schools. For those schools who can afford it, the cost of training teachers to use it drives the costs up further."

In short, most of America's schools do not yet have key technologies or the facilities required to support learning into the 21st century. They cannot provide key facilities requirements and environmental conditions for education reform and improvement. In particular, older, unrenovated schools need infrastructure renovation to support technology. These renovations include fundamental changes to building structure, wiring and electrical capacity, air-conditioning and ventilation, and security.

AGENCY COMMENTS

We spoke with officials at the Department of Education who reviewed a draft of our report and incorporated their comments as appropriate. We did not ask for formal agency comments since this report does not review any department programs.

We are sending copies of this report to appropriate House and Senate committees and other interested parties. Please call Eleanor L. Johnson if you or your staff have any questions. Major contributors to this report are listed in appendix VIII.

LINDA G. MORRA,

Director, Education and Employment Issues.

APPENDIX I—PROJECT ADVISERS

The following individuals advised this report either by (a) serving on our expert panel on January 31, 1994; (b) helping with the development of our questionnaire; or (c) reviewing a draft report.

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APPENDIX II—RELEVANT SURVEY ITEMS WITH OVERALL PERCENT RESPONSE

17. Do this school's on-site buildings have sufficient capability in each of the communications technology elements listed below to meet the functional requirements of modern educational technology? Circle one for EACH element listed.

Technology elements	Percent of schools—			
	Very sufficient	Moderately sufficient	Somewhat sufficient	Not sufficient
Computers for instructional use (N=77,400) .....	11.1	30.6	33.1	25.2
Computer printers for instructional use (N=77,412) .....	9.7	27.9	33.1	29.3
Computer networks for instructional use (N=77,350) .....	8.8	18.3	21.2	51.8
Modems (N=76,951) .....	4.9	14.0	23.6	57.7
Telephone lines for modems (N=76,986) .....	6.9	13.7	23.9	55.5
Telephones in instructional areas (N=76,827) .....	7.5	12.6	18.8	61.2
Television sets (N=77,211) .....	19.8	33.7	30.7	15.9
Laser disk players/VCRs (N=76,819) .....	7.7	25.4	33.5	33.5
Cable television (N=76,459) .....	20.1	25.9	22.3	31.7
Conduits/raceways for computer/computer network cables (N=76,987) .....	7.4	11.9	20.1	60.6
Fiber optic cable (N=76,015) .....	3.5	4.3	5.5	86.8
Electrical wiring for computers/communications technology (N=77,437) .....	7.8	17.7	28.4	46.1
Electrical power for computers/communications technology (N=77,414) .....	12.4	24.3	28.7	34.6

18. How many computers for instructional use does this school have? Include computers at both on-site buildings and off-site instructional facilities.

\_\_\_\_\_ computers for instructional use: Range 0-1800; Mean 50.7; Median 37.0.

19. How well do this school's on-site buildings meet the functional requirements of the activities listed below? Circle one for EACH activity listed.

Activity	Percent of schools—			
	Very well	Moderately well	Somewhat well	Not well at all
Small group instruction (N=77,606) .....	32.4	37.5	20.7	9.5
Large group (50 or more students) instruction (N=77,178) .....	10.7	24.4	26.7	38.2
Storage of alternative student assessment materials (N=77,058) .....	7.8	24.2	36.7	31.3
Display of alternative student assessment materials (N=76,797) .....	7.9	26.6	37.9	27.6
Parent support activities, such as tutoring, planning, making materials, etc. (N=77,496) .....	12.3	29.7	34.5	23.5
Social/Health Care Services (N=77,456) .....	10.8	30.1	32.1	27.0
Teachers' planning (N=77,397) .....	20.6	37.4	28.9	13.1
Private areas for student counseling and testing (N=77,530) .....	14.6	28.4	31.3	25.7
Laboratory science (N=76,344) .....	11.2	21.4	25.4	42.0
Library/Media Center (N=77,701) .....	24.9	35.3	26.5	13.4
Day care (N=72,083) .....	4.3	7.9	10.3	77.5
Before/after school care (N=73,335) .....	6.8	15.3	19.2	58.8

20. How satisfactory or unsatisfactory is each of the following environmental factors in this school's on-site buildings? Circle one for EACH factor listed.

Environmental factor	Percent of schools—			
	Very satisfactory	Satisfactory	Unsatisfactory	Very unsatisfactory
Lighting (N=78,158) .....	22.2	62.2	13.2	2.4
Heating (N=77,999) .....	18.1	62.7	14.8	4.4
Ventilation (N=77,929) .....	14.6	58.3	20.9	6.2
Indoor air quality (N=77,958) .....	14.3	66.5	15.0	4.2
Acoustics for noise control (N=78,030) .....	10.4	61.5	22.7	5.4
Flexibility of instructional space (e.g., expandability, convertibility, adaptability) (N=77,472) .....	7.0	39.0	36.6	17.3
Energy efficiency <sup>1</sup> (N=77,725) .....	9.9	48.9	30.4	10.8
Physical security of buildings (N=77,883) .....	13.8	62.0	17.7	6.6

<sup>1</sup> This environmental factor will be discussed in detail in a future report.

21. Does this school have air conditioning in classrooms, administrative offices, and/or other areas? Circle ALL that apply. (N=79,454)

Percent of Schools	
Yes, in classrooms .....	51.2
Yes, in administrative offices .....	72.8
Yes, in other areas .....	50.7
No, no air conditioning in this school at all .....	21.2

GO TO QUESTION 23

22. How satisfactory or unsatisfactory is the air conditioning in classrooms, administrative offices, and/or other areas? Circle one for EACH CATEGORY listed.

Air conditioning in	Percent of schools			
	Very satisfactory	Satisfactory	Unsatisfactory	Very unsatisfactory
Classrooms (N=39,717) .....	23.6	61.0	12.4	3.0
Administrative Offices (N=56,806) .....	22.4	64.4	11.3	1.9
Other areas (N=38,657) .....	22.9	62.3	11.6	3.1

7. What was the total amount of this most recently passed bond issue? Mean=\$6,556,000.00.

8. How much money did this most recently passed bond issue provide for the items listed below? Enter zero if none.

Items	Amount provided per school (mean)
Construction of new schools .....	\$3,706,700
Repair/renovation/modernization of existing schools .....	2,733,000
Asbestos removal .....	109,900
Removal of Underground Storage Tanks (USTs) .....	13,700
Removal of other environmental conditions .....	16,700
Purchase of computers .....	155,600
Purchase of telecommunications equipment .....	381,100
Access for students with disabilities .....	98,300

APPENDIX III—DATA—TECHNOLOGY ELEMENTS

TABLE III.1: MAJORITY OF STATES REPORT THAT AT LEAST 50 PERCENT OF SCHOOLS HAVE SIX OR MORE INSUFFICIENT TECHNOLOGY ELEMENTS

Percent of schools with six or more insufficient technology factors	States
20-29 .....	Nevada, South Dakota.
30-39 .....	Arkansas, Iowa, Kentucky, Minnesota, North Dakota, Pennsylvania, Texas, Wyoming.
40-49 .....	Arizona, Colorado, Georgia, Indiana, Kansas, Mississippi, Montana, Nebraska, New Jersey, West Virginia, Wisconsin.
50-59 .....	Alaska, Connecticut, District of Columbia, Florida, Louisiana, Maryland, Missouri, New York, Oklahoma, South Carolina, Tennessee, Utah, Vermont, Virginia.
60-69 .....	Alabama, California, Idaho, Illinois, Massachusetts, Maine, Michigan, North Carolina, New Hampshire, Oregon, Rhode Island, Washington.
70-79 .....	Delaware, Hawaii, New Mexico, Ohio.

Note.—Sampling errors range +7.1-13.5 percent.

TABLE III.2: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—DATA, VOICE, SYSTEMS INFRASTRUCTURE—BY STATE

State	Computers	Printers	Networks	Modems	Phone lines for modems	Phone lines instructional area
Alabama	32.1	36.3	58.6	61.7	55.4	64.1
Alaska	35.5	36.2	56.4	56.9	53.8	60.9
Arizona	15.8	18.3	46.4	60.8	58.1	61.8
Arkansas	9.5	17.5	36.7	63.7	56.4	59.3
California	37.1	39.7	69.8	70.5	68.1	64.8
Colorado	<sup>a</sup> 20.9	<sup>a</sup> 23.9	<sup>a</sup> 37.0	61.6	56.8	45.3
Connecticut	<sup>a</sup> 26.5	<sup>a</sup> 29.9	<sup>a</sup> 63.6	<sup>a</sup> 55.4	<sup>a</sup> 51.9	<sup>a</sup> 52.7
Delaware	<sup>b</sup> 44.5	<sup>b</sup> 52.7	<sup>b</sup> 65.7	<sup>a</sup> 83.0	<sup>a</sup> 82.9	<sup>a</sup> 82.4
District of Columbia	<sup>a</sup> 22.0	<sup>a</sup> 31.4	<sup>a</sup> 37.1	<sup>b</sup> 49.5	<sup>b</sup> 52.7	<sup>b</sup> 52.6
Florida	28.6	28.9	66.4	65.0	63.2	62.3
Georgia	11.6	13.7	33.9	48.0	53.0	71.7
Hawaii	39.0	<sup>a</sup> 44.7	72.0	75.7	79.5	74.7
Idaho	25.3	31.6	55.9	63.9	58.8	72.1
Illinois	30.2	39.0	57.7	65.7	63.4	64.2
Indiana	16.5	18.3	42.1	50.7	55.0	58.2
Iowa	15.3	16.5	43.5	48.5	43.8	55.4
Kansas	22.9	27.7	44.0	47.3	44.4	61.7
Kentucky	13.1	19.8	35.5	57.2	55.7	67.2
Louisiana	31.6	38.6	62.5	59.5	65.5	78.7
Maine	<sup>a</sup> 31.0	<sup>a</sup> 31.8	<sup>a</sup> 62.9	<sup>a</sup> 69.6	<sup>a</sup> 63.8	<sup>a</sup> 69.4
Maryland	29.1	30.4	44.1	62.3	66.7	87.0
Massachusetts	<sup>a</sup> 32.5	<sup>a</sup> 43.1	70.4	71.1	66.9	71.9
Michigan	36.9	38.8	63.3	64.1	58.1	63.4
Minnesota	22.5	21.7	41.5	42.7	41.0	41.4
Mississippi	16.9	20.3	37.6	53.8	55.8	62.7
Missouri	23.3	32.8	52.4	60.5	59.1	65.4
Montana	17.1	19.0	47.5	46.8	37.5	53.2
Nebraska	11.2	10.1	<sup>a</sup> 43.3	<sup>a</sup> 55.5	<sup>a</sup> 45.7	<sup>a</sup> 44.4
Nevada	14.4	15.9	26.9	28.2	26.2	27.1
New Hampshire	<sup>a</sup> 44.0	<sup>a</sup> 42.9	<sup>a</sup> 65.6	68.4	<sup>a</sup> 58.6	<sup>a</sup> 66.4
New Jersey	20.0	24.5	<sup>a</sup> 41.8	<sup>a</sup> 38.1	33.5	62.9
New Mexico	36.3	44.9	69.6	79.0	58.5	57.3
New York	20.2	24.2	44.0	48.9	55.3	57.9
North Carolina	30.1	33.3	51.1	62.2	62.6	73.8
North Dakota	17.3	19.8	36.7	40.2	36.5	46.9
Ohio	38.2	50.7	71.8	74.0	70.5	76.2
Oklahoma	22.9	33.0	50.8	63.4	57.7	60.0
Oregon	38.2	41.8	66.2	59.8	65.1	65.6
Pennsylvania	18.2	19.4	<sup>a</sup> 50.2	<sup>a</sup> 54.7	<sup>a</sup> 44.2	<sup>a</sup> 48.7
Rhode Island	<sup>a</sup> 37.1	<sup>a</sup> 42.7	<sup>a</sup> 49.3	<sup>a</sup> 67.3	<sup>a</sup> 52.1	67.3
South Carolina	33.0	35.1	56.1	55.2	50.3	61.5
South Dakota	9.8	9.9	37.0	37.0	35.4	42.0
Tennessee	20.4	22.8	48.0	62.7	65.6	68.6
Texas	12.8	15.6	31.3	38.9	38.4	44.0
Utah	6.9	7.9	28.7	54.4	71.0	77.5
Vermont	<sup>b</sup> 32.7	<sup>b</sup> 31.7	<sup>a</sup> 65.7	<sup>b</sup> 55.9	<sup>b</sup> 61.4	<sup>b</sup> 56.1
Virginia	31.3	37.7	56.5	54.1	52.9	56.0
Washington	32.0	39.8	60.5	61.8	61.1	66.3
West Virginia	16.5	17.2	32.3	56.8	51.5	71.8
Wisconsin	22.4	24.5	44.6	45.4	46.4	58.9
Wyoming	9.8	13.2	32.7	<sup>a</sup> 41.4	33.8	44.5

Note.—Sampling errors are less than  $\pm 11$  percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE III.3: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—VIDEO AND BUILDING INFRASTRUCTURE—BY STATE

State	Television	Laser disk player/VCR	Cable TV	Conduits	Cable	Wiring	Power
Alabama	15.0	34.6	33.3	61.9	74.8	44.1	33.9
Alaska	35.3	46.3	55.6	67.4	90.9	52.1	44.7
Arizona	16.8	23.1	30.4	56.0	83.5	36.3	27.6
Arkansas	6.6	21.6	12.6	43.1	85.1	34.1	19.8
California	21.0	41.2	49.9	79.7	92.8	69.1	55.6
Colorado	16.9	<sup>a</sup> 29.7	28.8	<sup>a</sup> 49.7	88.2	<sup>a</sup> 38.5	<sup>a</sup> 32.7
Connecticut	25.1	<sup>a</sup> 35.0	<sup>a</sup> 42.4	<sup>a</sup> 62.9	91.3	<sup>a</sup> 55.1	<sup>a</sup> 41.2
Delaware	<sup>b</sup> 32.8	<sup>b</sup> 60.9	<sup>b</sup> 45.4	<sup>a</sup> 76.9	93.3	<sup>b</sup> 69.5	<sup>b</sup> 48.8
District of Columbia	<sup>a</sup> 21.6	<sup>a</sup> 31.4	<sup>a</sup> 25.6	<sup>b</sup> 50.0	<sup>b</sup> 58.0	<sup>b</sup> 45.8	<sup>b</sup> 41.4
Florida	8.6	28.9	19.7	67.6	88.0	64.3	41.9
Georgia	14.8	28.8	12.9	57.8	87.1	44.0	38.3
Hawaii	4.7	29.8	18.8	82.1	89.7	75.1	61.4
Idaho	23.0	44.5	42.7	72.3	91.0	51.2	36.8
Illinois	23.3	43.7	43.4	68.8	87.0	52.6	41.1
Indiana	12.9	24.0	27.1	52.3	82.9	43.1	32.0
Iowa	4.5	21.0	13.2	49.9	84.9	31.3	15.4
Kansas	17.9	34.9	31.2	57.3	89.0	40.7	33.6
Kentucky	3.2	23.2	8.0	49.8	75.2	35.8	25.1
Louisiana	18.4	40.4	42.7	61.6	87.7	47.2	38.6
Maine	19.7	<sup>a</sup> 43.7	<sup>a</sup> 46.2	72.6	94.0	<sup>a</sup> 46.7	<sup>a</sup> 35.0
Maryland	36.2	52.1	38.5	61.9	91.8	46.8	36.0
Massachusetts	<sup>a</sup> 34.9	<sup>a</sup> 48.0	<sup>a</sup> 44.2	73.9	88.1	60.8	<sup>a</sup> 49.4
Michigan	27.1	42.1	27.1	68.7	85.6	51.0	38.3
Minnesota	17.3	31.6	27.4	48.9	72.3	7.4	25.2
Mississippi	4.9	36.7	32.5	55.6	85.0	26.6	19.9
Missouri	6.6	26.0	17.3	53.2	87.9	33.7	26.0
Montana	14.6	25.4	42.0	62.1	81.7	38.8	24.9
Nebraska	1.7	12.5	<sup>a</sup> 31.0	62.4	83.3	33.1	21.2
Nevada	4.1	13.9	14.8	43.6	78.2	28.4	25.1
New Hampshire	<sup>a</sup> 27.4	<sup>a</sup> 43.7	<sup>a</sup> 26.8	69.4	88.8	<sup>a</sup> 57.7	<sup>a</sup> 35.8
New Jersey	11.2	24.9	32.5	<sup>a</sup> 55.2	85.8	<sup>a</sup> 41.2	34.2
New Mexico	15.4	54.8	51.6	77.3	87.1	48.5	42.1
New York	24.7	38.1	35.9	55.5	82.3	50.7	34.7
North Carolina	15.2	30.9	24.5	66.0	92.3	55.4	41.8
North Dakota	15.1	30.9	27.5	56.0	69.5	33.8	17.7
Ohio	16.0	44.1	31.3	76.6	95.0	63.0	50.6
Oklahoma	18.8	35.2	32.8	54.6	81.7	41.4	32.3
Oregon	29.9	35.6	23.3	68.0	87.6	56.0	33.7
Pennsylvania	13.9	<sup>a</sup> 34.7	27.4	<sup>a</sup> 41.0	86.6	32.2	17.4
Rhode Island	24.4	<sup>a</sup> 41.0	17.3	74.0	90.8	<sup>a</sup> 64.2	<sup>a</sup> 45.0
South Carolina	5.6	25.3	29.8	62.9	87.1	41.1	33.2
South Dakota	7.8	22.4	13.6	43.3	69.7	22.9	14.6
Tennessee	6.9	37.1	27.1	58.0	94.3	38.8	25.4
Texas	8.7	17.0	31.6	46.0	83.0	28.6	22.3
Utah	4.8	22.1	39.4	55.3	93.3	38.8	26.7
Vermont	10.0	<sup>b</sup> 38.1	<sup>b</sup> 57.8	<sup>a</sup> 69.3	95.6	<sup>b</sup> 48.5	<sup>b</sup> 26.5
Virginia	4.1	36.7	18.4	57.5	93.5	36.1	29.2
Washington	15.0	41.2	34.9	61.0	86.3	47.0	35.1
West Virginia	4.2	30.8	14.4	49.9	93.2	36.2	18.0

TABLE III.3: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS—VIDEO AND BUILDING INFRASTRUCTURE—BY STATE—Continued

State	Television	Laser disk player/VCR	Cable TV	Conduits	Cable	Wiring	Power
Wisconsin	11.3	24.2	20.5	52.5	86.3	36.5	33.4
Wyoming	11.6	21.2	<sup>b</sup> 40.1	<sup>b</sup> 50.9	83.6	29.6	15.9

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE III.4: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY COMMUNITY TYPE

Technology element	Central city	Urban fringe/large town	Rural/small town
Fiber optic cable	90.2	87.8	84.4
Conduits	66.9	61.9	55.6
Phone lines in instructional areas	66.8	60.6	57.8
Modems	65.0	55.9	53.5
Networks	60.9	50.6	46.5
Phone lines for modems	61.3	55.3	51.8
Electrical wiring for communications technology	54.8	46.7	40.1
Electric power for communications technology	42.9	36.9	27.8
Laser disk player/VCRs	38.7	32.2	30.9
Printers	38.1	26.7	25.2
Cable TV	33.0	32.8	30.0
Computers	31.7	24.5	21.2
TVs	18.6	17.1	13.3
Six or more unsatisfactory technology elements	60.0	52.0	46.5

Note: Sampling errors range ± 1.7–3.5 percent.

TABLE III.5: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY LEVEL OF SCHOOL

Technology element	Elementary	Secondary	Combined
Fiber optic cable	88.3	82.9	84.7
Conduits	63.3	53.1	60.6
Phone lines in instructional areas	64.4	53.2	52.8
Modems	60.9	48.4	54.1
Networks	54.8	42.9	53.6
Phone lines for modems	58.4	47.8	52.3
Electrical wiring for communications technology	48.7	39.2	42.9
Electric power for communications technology	36.7	29.1	30.5
Laser disk player/VCRs	34.9	30.1	29.7
Printers	31.7	23.2	25.9
Cable TV	33.7	24.3	42.7
Computers	27.0	20.3	22.2
TVs	17.3	11.9	14.8
Six or more unsatisfactory technology elements	55.7	41.5	50.9

Note: Sampling errors range ± 1.4–4.0 percent.

TABLE III.6: PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY PROPORTION OF MINORITY STUDENTS

Technology element	Percent of minority students in schools			
	Less than 5.5	5.5 to 20.4	20.5 to 50.4	More than 50.5
Fiber optic cable	85.6	86.2	88.2	88.3
Conduits	59.3	56.2	65.5	62.9
Phone lines in instructional areas	60.7	59.4	60.6	64.9
Modems	55.9	52.7	59.9	63.1
Networks	48.9	49.6	56.2	55.0
Phone lines for modems	54.0	51.2	58.7	59.9
Electrical wiring for communications technology	42.3	44.7	46.9	53.5
Electric power for communications technology	30.3	30.5	36.3	44.8
Laser disk player/VCRs	31.3	29.1	37.6	38.4
Printers	27.1	28.5	30.3	33.4
Cable TV	28.2	25.7	33.9	41.4
Computers	23.5	24.9	25.6	28.0
TVs	13.1	15.4	14.7	22.3
Six or more unsatisfactory technology elements	48.7	50.0	54.4	57.4

Note: Sampling errors range ± 1.8–4.0 percent.

TABLE III.7.—PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY GEOGRAPHIC REGION

Technology element	North-east	Mid-west	South	West
Fiber optic cable	86.5	85.7	86.1	89.4
Conduits	57.2	61.5	56.0	69.0
Phone lines in instructional areas	59.2	60.9	62.0	61.9
Modems	53.9	57.8	54.9	63.9
Networks	52.0	53.3	45.6	59.0
Phone lines for modems	51.0	55.1	54.2	61.6

TABLE III.7.—PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY GEOGRAPHIC REGION—Continued

Technology element	North-east	Mid-west	South	West
Electrical wiring for communications technology	47.2	44.9	40.9	55.0
Electric power for communications technology	33.5	34.0	30.4	42.6
Laser disk player/VCRs	36.7	33.5	29.7	36.7
Printers	27.6	31.4	25.6	33.6
Cable TV	35.4	28.3	26.4	41.3
Computers	23.7	26.2	21.7	30.1
TVs	21.0	15.7	11.3	18.9
Six or more unsatisfactory technology elements	50.8	52.3	47.1	59.9

Note.—Sampling errors range ± 1.6–4.6 percent.

TABLE III.8.—PERCENT OF SCHOOLS REPORTING INSUFFICIENT TECHNOLOGY ELEMENTS BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Technology element	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Fiber optic cable	86.9	86.3	87.9	88.9
Conduits	59.2	60.4	64.1	62.2
Phone lines in instructional areas	57.9	59.9	64.3	68.2
Modems	52.1	56.1	62.4	61.9
Networks	48.0	50.1	56.3	54.3
Phone lines for modems	51.7	56.2	57.4	59.5
Electrical wiring for communications technology	45.7	43.5	48.7	47.4
Electric power for communications technology	32.2	32.0	35.5	38.1
Laser disk player/VCRs	30.3	30.6	37.8	34.1
Printers	23.7	28.4	33.3	30.0
Cable TV	25.5	28.6	31.8	37.8
Computers	20.9	23.7	28.0	25.4
TVs	14.5	12.4	16.2	17.3
Six or more unsatisfactory technology elements	47.7	49.6	56.0	56.1

Note.—Sampling errors range ± 1.7–3.9 percent.

Table III. 9.—Average number of students per computer by State

State:	Students per computer
Alabama	16.8
Alaska	7.6
Arizona	11.9
Arkansas	12.5
California	21.1
Colorado	12.6
Connecticut	14.5
Delaware	17.7
District of Columbia	17.2
Florida	12.1
Georgia	13.4
Hawaii	15.6
Idaho	12.7
Illinois	18.9
Indiana	11.1
Iowa	10.9
Kansas	9.9
Kentucky	10.2
Louisiana	20.6
Maine	16.9
Maryland	14.9
Massachusetts	15.6
Michigan	19.9
Minnesota	10.2
Mississippi	14.5
Missouri	15.2
Montana	7.9
Nebraska	10.3
Nevada	21.4
New Hampshire	20.8
New Jersey	13.5
New Mexico	10.8

Table III. 9.—Average number of students per computer by State—Continued

	Students per computer
New York	15.6
North Carolina	13.4
North Dakota	8.7
Ohio	25.3
Okahoma	13.2
Oregon	15.5
Pennsylvania	14.8
Rhode Island	21.6
South Carolina	12.4
South Dakota	9.0
Tennessee	18.7
Texas	11.4
Utah	11.7
Vermont	16.9
Virginia	12.7
Washington	13.7
West Virginia	12.9
Wisconsin	10.7
Wyoming	7.0

Note.—Sample errors range ±1.1–4.9 percent, except Vermont, which was 8 percent.

APPENDIX IV—DATA—FACILITIES REQUIREMENTS FOR KEY EDUCATION REFORM AND IMPROVEMENT ACTIVITIES

TABLE IV.1: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—SMALL-GROUP INSTRUCTION, LARGE-GROUP INSTRUCTION, STORE AND DISPLAY STUDENT ASSESSMENT MATERIALS—BY STATE

State	Small-group instruction	Large-group instruction	Store student assessment materials	Display student assessment materials
Alabama	6.0	29.0	33.7	31.8
Alaska	14.5	51.0	47.2	28.6
Arizona	6.4	35.2	37.2	38.6
Arkansas	5.9	30.3	13.8	12.1
California	15.2	51.3	47.6	40.4
Colorado	4.6	37.7	25.1	23.2
Connecticut	5.3	<sup>a</sup> 34.1	26.6	19.3
Delaware	<sup>a</sup> 15.5	<sup>b</sup> 29.7	<sup>b</sup> 33.9	<sup>b</sup> 38.7
District of Columbia	5.7	<sup>a</sup> 30.3	<sup>a</sup> 31.1	21.0
Florida	5.8	43.4	29.2	28.6
Georgia	5.6	23.3	21.2	19.7
Hawaii	2.6	36.1	<sup>a</sup> 39.2	27.7
Idaho	6.0	29.5	30.5	30.0
Illinois	13.5	46.5	32.7	35.6
Indiana	10.0	34.6	27.1	23.4
Iowa	5.8	32.8	20.4	21.4
Kansas	6.4	53.1	32.9	33.7
Kentucky	4.0	30.5	26.2	19.4
Louisiana	7.4	30.8	33.7	27.3
Maine	17.0	<sup>a</sup> 43.1	<sup>a</sup> 40.9	<sup>a</sup> 43.0
Maryland	8.3	39.3	40.6	25.8
Massachusetts	13.4	<sup>a</sup> 40.5	<sup>a</sup> 33.5	28.3
Michigan	12.6	39.4	38.1	37.5
Minnesota	6.8	37.6	28.4	26.4
Mississippi	2.3	28.3	21.7	22.8
Missouri	1.9	33.2	22.1	17.0
Montana	3.4	45.1	28.9	29.0
Nebraska	5.9	60.4	22.2	18.8
Nevada	0.3	26.7	14.2	19.7
New Hampshire	13.6	<sup>a</sup> 49.3	<sup>a</sup> 44.1	<sup>a</sup> 33.5
New Jersey	16.4	28.5	28.9	20.5
New Mexico	3.7	27.8	27.1	23.6
New York	17.9	45.1	38.0	29.1
North Carolina	5.6	26.9	27.9	26.6
North Dakota	3.5	37.0	16.0	23.2
Ohio	17.6	42.7	43.1	33.0
Oklahoma	1.6	34.6	21.6	25.2
Oregon	3.2	44.9	29.3	29.5
Pennsylvania	9.1	29.9	24.5	19.0
Rhode Island	11.3	<sup>a</sup> 42.9	<sup>a</sup> 37.7	<sup>a</sup> 30.0
South Carolina	7.2	33.3	29.7	18.9
South Dakota	9.1	29.2	26.5	20.4
Tennessee	7.5	24.9	19.4	22.3
Texas	1.5	32.1	19.0	17.4
Utah	13.9	35.3	35.2	30.9
Vermont	9.5	<sup>b</sup> 41.3	<sup>b</sup> 37.3	<sup>b</sup> 32.6
Virginia	10.0	31.9	38.3	35.8
Washington	13.9	47.1	40.7	35.7

TABLE IV.1: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—SMALL-GROUP INSTRUCTION, LARGE-GROUP INSTRUCTION, STORE AND DISPLAY STUDENT ASSESSMENT MATERIALS—BY STATE—Continued

State	Small-group instruction	Large-group instruction	Store student assessment materials	Display student assessment materials
West Virginia	19.0	49.7	40.3	38.7
Wisconsin	14.6	32.1	24.1	18.3
Wyoming	0.7	<sup>a</sup> 35.3	11.6	8.0

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.2: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—PARENT SUPPORT, SOCIAL/HEALTH SERVICES, TEACHER PLANNING AND PRIVATE AREAS FOR COUNSELING/TESTING—BY STATE

State	Parent support	Social/health services	Teacher planning	Private areas for counseling/testing
Alabama	30.5	41.0	10.4	20.5
Alaska	32.8	40.7	30.7	41.1
Arizona	28.8	25.5	10.9	31.2
Arkansas	11.0	11.7	4.3	8.3
California	39.1	41.4	20.8	46.0
Colorado	16.4	25.4	9.6	22.4
Connecticut	22.6	9.7	11.3	23.0
Delaware	<sup>b</sup> 31.6	<sup>b</sup> 34.5	13.7	<sup>a</sup> 21.0
District of Columbia	13.6	<sup>a</sup> 29.6	9.6	<sup>a</sup> 21.6
Florida	24.0	23.0	15.5	25.6
Georgia	17.1	22.4	14.2	12.0
Hawaii	32.6	21.2	19.9	30.9
Idaho	15.9	28.8	12.0	19.2
Illinois	23.3	26.4	14.8	37.0
Indiana	17.8	8.9	15.2	23.9
Iowa	21.0	19.4	4.9	16.4
Kansas	21.2	24.2	13.4	30.1
Kentucky	22.4	26.8	7.8	20.1
Louisiana	24.9	26.1	12.8	32.3
Maine	<sup>a</sup> 34.0	<sup>a</sup> 34.6	14.1	23.6
Maryland	21.5	23.2	15.4	28.3
Massachusetts	20.1	23.1	13.4	26.2
Michigan	27.5	44.3	12.6	24.5
Minnesota	19.4	20.1	17.4	28.9
Mississippi	22.2	29.8	3.3	12.1
Missouri	10.4	18.9	3.6	9.6
Montana	15.8	38.9	6.1	19.5
Nebraska	23.7	24.1	13.0	29.9
Nevada	13.6	21.0	1.0	5.7
New Hampshire	<sup>a</sup> 37.5	<sup>a</sup> 28.3	<sup>a</sup> 28.1	<sup>a</sup> 38.2
New Jersey	18.5	17.4	12.2	25.6
New Mexico	13.0	25.6	9.3	26.2
New York	25.3	23.3	16.7	29.8
North Carolina	17.1	21.4	16.1	24.6
North Dakota	20.5	30.9	7.6	15.8
Ohio	30.0	31.7	17.2	31.6
Oklahoma	13.3	29.2	4.6	15.1
Oregon	30.9	39.8	13.0	18.8
Pennsylvania	14.9	19.1	10.0	15.5
Rhode Island	<sup>a</sup> 38.6	<sup>a</sup> 31.9	15.0	<sup>a</sup> 35.2
South Carolina	18.8	30.4	14.3	18.1
South Dakota	19.4	25.8	10.5	17.8
Tennessee	18.2	40.8	8.4	22.9
Texas	17.8	17.7	5.2	13.9
Utah	29.1	25.0	21.5	33.8
Vermont	<sup>a</sup> 22.6	<sup>a</sup> 33.5	<sup>b</sup> 21.8	<sup>b</sup> 33.9
Virginia	30.6	25.0	18.9	18.6
Washington	29.7	39.7	16.5	30.0
West Virginia	27.4	47.3	15.5	38.9
Wisconsin	25.2	23.9	19.9	30.2
Wyoming	6.8	18.6	1.0	17.7

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.3: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—LABORATORY SCIENCE, LIBRARY/MEDIA CENTER, DAY CARE, BEFORE/AFTER SCHOOL CARE—BY STATE

State	Laboratory science	Library/media center	Day care	Before/after school care
Alabama	41.6	6.1	82.9	62.8

TABLE IV.3: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES—LABORATORY SCIENCE, LIBRARY/MEDIA CENTER, DAY CARE, BEFORE/AFTER SCHOOL CARE—BY STATE—Continued

State	Laboratory science	Library/media center	Day care	Before/after school care
Alaska	61.7	31.1	89.1	63.2
Arizona	44.1	12.3	72.3	50.1
Arkansas	26.5	1.3	87.2	74.1
California	58.2	19.4	75.7	63.5
Colorado	36.6	4.8	<sup>b</sup> 64.8	<sup>a</sup> 45.3
Connecticut	<sup>a</sup> 43.8	13.3	<sup>a</sup> 73.2	53.6
Delaware	<sup>b</sup> 59.3	<sup>b</sup> 29.1	<sup>b</sup> 77.0	52.4
District of Columbia	46.1	12.9	<sup>b</sup> 46.8	45.9
Florida	43.9	9.3	68.8	43.1
Georgia	38.4	0.2	64.9	43.6
Hawaii	48.9	24.6	75.9	23.7
Idaho	34.1	13.0	86.2	76.3
Illinois	46.6	18.0	79.2	69.1
Indiana	33.3	6.4	70.4	47.7
Iowa	28.9	9.2	83.5	64.3
Kansas	40.4	16.5	87.2	62.0
Kentucky	35.2	6.0	77.8	62.0
Louisiana	43.7	13.3	82.5	64.4
Maine	58.6	25.4	87.9	87.5
Maryland	45.0	15.8	<sup>a</sup> 57.0	36.9
Massachusetts	<sup>a</sup> 48.8	24.4	78.8	<sup>a</sup> 62.0
Michigan	48.6	19.0	76.4	56.5
Minnesota	45.7	12.0	73.6	50.2
Mississippi	39.1	4.8	80.5	76.3
Missouri	41.9	5.8	72.4	54.3
Montana	35.1	8.9	91.7	80.4
Nebraska	35.3	11.2	91.0	73.9
Nevada	71.8	11.5	89.9	28.8
New Hampshire	<sup>a</sup> 47.0	<sup>a</sup> 20.9	85.9	<sup>a</sup> 61.3
New Jersey	<sup>a</sup> 42.9	16.5	79.6	<sup>a</sup> 53.3
New Mexico	38.5	15.9	66.2	53.6
New York	46.1	22.4	80.0	52.5
North Carolina	38.4	7.2	69.1	33.4
North Dakota	23.7	16.0	80.9	73.0
Ohio	50.6	16.8	88.9	69.5
Oklahoma	23.9	9.0	72.2	60.5
Oregon	51.5	7.6	75.4	54.0
Pennsylvania	30.3	7.8	<sup>a</sup> 66.0	<sup>a</sup> 56.7
Rhode Island	<sup>a</sup> 45.9	<sup>a</sup> 26.4	<sup>a</sup> 77.9	<sup>a</sup> 63.3
South Carolina	47.5	1.7	83.2	63.5
South Dakota	29.2	12.0	88.0	77.5
Tennessee	43.8	7.8	78.2	52.4
Texas	25.1	9.2	73.5	50.3
Utah	40.5	24.6	75.0	74.5
Vermont	<sup>b</sup> 38.8	<sup>b</sup> 14.2	86.8	<sup>b</sup> 54.8
Virginia	40.8	13.5	88.4	56.9
Washington	51.5	15.6	75.0	67.2
West Virginia	43.1	28.4	93.9	81.1
Wisconsin	35.2	13.4	83.9	71.2
Wyoming	30.9	16.4	91.3	59.6

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE IV.4: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY COMMUNITY TYPE

Activity	Central city	Urban fringe/large town	Rural/small town
Small-group instruction	12.0	9.8	7.6
Large-group instruction	38.8	34.8	39.8
Store student assessment materials	29.9	32.2	31.5
Display student assessment materials	27.1	26.5	28.5
Parent support	24.2	23.3	23.1
Social/health services	27.1	24.4	28.4
Teacher planning	14.7	12.8	12.2
Private areas for counseling/testing	30.4	25.8	22.6
Laboratory science	48.3	43.7	36.9
Library/media center	13.6	13.9	12.8
Day care	76.4	70.2	82.4
Before/after school care	54.0	51.1	66.2

Note: Sampling errors range ± 1.3–3.5 percent

TABLE IV.5: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY LEVEL OF SCHOOL

Activity	Elementary	Secondary	Combined
Small-group instruction	10.5	7.0	5.6
Large-group instruction	39.3	33.9	46.9
Store student assessment materials	31.7	30.3	29.7
Display student assessment materials	27.1	28.7	28.5

TABLE IV.5: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY LEVEL OF SCHOOL—Continued

Activity	Elementary	Secondary	Combined
Parent support	22.7	24.8	29.8
Social/health services	27.2	26.5	27.2
Teacher planning	14.0	10.5	13.8
Private areas for counseling/testing	28.5	18.1	24.2
Laboratory science	51.6	15.3	42.3
Library/media center	13.3	11.5	27.2
Day care	76.3	81.3	76.6
Before/after school care	53.3	73.5	67.2

Note: Sampling errors range ± 1.4–4.0 percent.

TABLE IV.6: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY PROPORTION OF MINORITY STUDENTS

Activity	Percent minority students			
	Less than 5.5	5.5 to less than 20.4	20.5 to less than 50.4	50.5 or more
Small-group instruction	8.9	10.5	9.4	9.7
Large-group instruction	38.2	36.8	36.5	41.0
Store student assessment materials	30.4	30.7	32.4	32.5
Display student assessment materials	27.3	25.6	28.4	29.0
Parent support	22.2	20.7	24.8	27.0
Social/health services	25.6	24.9	27.8	31.3
Teacher planning	13.0	12.6	11.4	15.5
Private areas for counseling/testing	22.6	25.2	27.3	30.6
Laboratory science	39.3	38.9	42.8	49.1
Library/media center	13.6	11.0	12.7	15.5
Day care	80.7	73.2	77.0	77.2
Before/after school care	63.2	52.7	57.2	58.4

Note: Sampling errors range ± 1.7–4.0 percent.

TABLE IV.7: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" SELECTED FUNCTIONAL REQUIREMENTS OF EDUCATION REFORM ACTIVITIES BY GEOGRAPHIC REGION

Activity	Northeast	Midwest	South	West
Small-group instruction	13.8	10.7	5.5	10.5
Large-group instruction	37.4	40.7	32.3	44.5
Store student assessment materials	32.5	30.9	26.2	38.6
Display student assessment materials	25.6	28.3	23.8	33.9
Parent support	22.1	22.8	20.5	30.1
Social/health services	20.8	26.3	25.5	35.3
Teacher planning	14.0	13.4	10.5	16.1
Private areas for counseling/testing	25.3	26.8	19.6	34.1
Laboratory science	42.8	41.9	36.2	50.4
Library/media center	17.8	14.0	8.7	16.0
Day care	76.9	80.9	75.7	76.4
Before/after school care	57.4	63.2	54.1	60.9

Note: Sampling errors range ± 1.1–4.8 percent.

TABLE IV.8: PERCENT OF SCHOOLS REPORTING MEETING "NOT WELL AT ALL" THE FUNCTIONAL REQUIREMENTS OF SELECTED EDUCATION REFORM ACTIVITIES BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Activity	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Small-group instruction	9.2	8.8	8.7	10.0
Large-group instruction	32.5	37.3	40.5	41.3
Store student assessment materials	29.3	31.0	31.1	34.3
Display student assessment materials	25.8	25.0	31.3	29.3
Parent support	21.3	23.8	24.6	23.0
Social/health services	20.0	26.9	32.0	30.6
Teacher planning	12.0	12.0	12.7	15.7
Private areas for counseling/testing	21.4	22.9	29.3	31.4
Laboratory science	33.0	38.0	48.5	50.3
Library/media center	9.7	10.7	15.2	15.0
Day care	70.7	79.7	80.9	79.0
Before/after school care	54.5	60.6	61.8	59.3

Note: Sampling errors range ± 2.1–3.9 percent.

APPENDIX V—DATA—ENVIRONMENTAL NEEDS

TABLE V.1: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—LIGHTING, HEATING, VENTILATION, INDOOR AIR QUALITY—BY STATE

State	Lighting	Heating	Ventilation	Indoor air quality
Alabama	14.7	22.0	26.1	23.2
Alaska	28.1	38.9	51.9	49.9
Arizona	15.7	19.9	29.5	19.6
Arkansas	7.5	7.9	11.9	10.0
California	31.1	24.7	28.8	21.8
Colorado	<sup>a</sup> 21.7	<sup>a</sup> 29.3	<sup>a</sup> 37.2	24.0
Connecticut	9.3	23.8	35.3	18.5
Delaware	9.1	<sup>b</sup> 25.6	<sup>b</sup> 30.3	<sup>b</sup> 26.4
District of Columbia	<sup>b</sup> 40.2	<sup>a</sup> 31.0	<sup>a</sup> 33.9	<sup>a</sup> 31.5
Florida	16.0	17.8	34.6	30.6
Georgia	6.9	11.8	12.4	7.7
Hawaii	7.6	6.0	26.2	20.9
Idaho	13.2	19.8	36.5	25.5
Illinois	14.2	21.0	29.2	18.6
Indiana	22.8	20.7	28.8	21.2
Iowa	9.5	11.1	24.2	17.1
Kansas	21.5	22.3	35.2	24.1
Kentucky	14.6	17.7	25.6	19.2
Louisiana	18.4	17.5	7.2	6.3
Maine	9.6	19.7	28.7	30.1
Maryland	18.0	19.2	28.8	20.5
Massachusetts	19.9	32.8	<sup>a</sup> 41.9	30.9
Michigan	12.0	16.7	25.3	15.4
Minnesota	11.9	15.0	35.5	30.1
Mississippi	8.0	10.9	9.4	8.8
Missouri	4.7	10.1	12.8	8.2
Montana	4.7	9.4	20.8	12.9
Nebraska	7.4	16.9	32.9	21.4
Nevada	15.7	21.0	22.6	20.4
New Hampshire	14.0	24.8	<sup>a</sup> 46.8	<sup>a</sup> 27.2
New Jersey	11.5	10.5	21.7	8.1
New Mexico	20.9	23.9	32.7	22.7
New York	15.8	20.9	36.5	24.1
North Carolina	17.4	14.0	23.4	17.7
North Dakota	10.7	20.1	28.6	24.0
Ohio	13.9	24.9	33.3	18.6
Oklahoma	16.2	18.7	20.6	16.8
Oregon	25.8	27.4	40.1	27.0
Pennsylvania	11.0	17.1	23.3	12.4
Rhode Island	25.4	25.8	28.9	<sup>a</sup> 29.8
South Carolina	7.2	13.0	18.3	18.8
South Dakota	9.5	15.1	25.7	19.9
Tennessee	8.3	17.1	19.2	16.0
Texas	13.0	14.2	16.4	12.3
Utah	14.1	21.9	34.1	20.9
Vermont	10.5	<sup>a</sup> 22.7	<sup>a</sup> 32.2	<sup>a</sup> 25.4
Virginia	14.4	16.6	21.7	19.8
Washington	24.0	30.4	41.9	32.4
West Virginia	23.9	34.1	46.5	31.3
Wisconsin	9.6	13.9	20.5	13.3
Wyoming	5.0	11.2	24.1	15.4

Note: Sampling errors are less than ±11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 14.3 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE V.2: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—ACOUSTICS, FLEXIBILITY, PHYSICAL SECURITY—BY STATE

State	Acoustics	Flexibility	Physical security
Alabama	32.8	47.6	35.7
Alaska	32.4	55.5	27.4
Arizona	26.4	52.6	25.3
Arkansas	17.5	42.4	21.2
California	34.2	70.4	41.2
Colorado	21.9	<sup>a</sup> 46.5	13.3
Connecticut	<sup>a</sup> 28.4	<sup>a</sup> 48.4	22.3
Delaware	<sup>a</sup> 19.3	<sup>b</sup> 48.6	<sup>a</sup> 22.3
District of Columbia	<sup>b</sup> 51.8	<sup>b</sup> 52.4	<sup>a</sup> 37.3
Florida	28.0	56.6	33.7
Georgia	11.9	36.2	16.8
Hawaii	37.7	<sup>a</sup> 54.1	39.7
Idaho	35.4	53.8	22.5
Illinois	29.1	55.4	23.6
Indiana	33.0	55.4	18.4
Iowa	28.2	55.3	24.1
Kansas	30.3	56.6	21.9
Kentucky	26.4	50.5	21.0
Louisiana	27.5	53.4	29.6
Maine	<sup>a</sup> 42.6	<sup>a</sup> 58.4	<sup>a</sup> 33.3
Maryland	19.6	23.1	13.4
Massachusetts	<sup>a</sup> 41.3	<sup>a</sup> 51.2	27.9
Michigan	31.0	47.2	20.2
Minnesota	20.7	55.6	27.5
Mississippi	22.0	41.2	28.2
Missouri	22.5	43.2	14.5
Montana	22.9	50.6	18.0
Nebraska	26.1	<sup>a</sup> 46.8	21.3
Nevada	7.6	53.5	13.7
New Hampshire	<sup>a</sup> 43.8	<sup>a</sup> 68.8	21.6
New Jersey	30.3	<sup>a</sup> 60.6	19.8
New Mexico	32.1	60.5	24.1
New York	30.0	64.9	21.2
North Carolina	29.5	59.0	21.8
North Dakota	32.8	41.3	18.1
Ohio	39.6	70.6	23.5
Oklahoma	27.3	48.8	26.6
Oregon	31.8	72.2	28.7

TABLE V.3: PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS—ACOUSTICS, FLEXIBILITY, PHYSICAL SECURITY—BY STATE—Continued

State	Acoustics	Flexibility	Physical security
Pennsylvania	16.7	<sup>a</sup> 42.0	12.8
Rhode Island	<sup>a</sup> 38.6	<sup>a</sup> 63.7	<sup>a</sup> 34.7
South Carolina	22.7	53.8	24.6
South Dakota	23.6	38.5	11.2
Tennessee	21.5	48.6	27.9
Texas	21.3	43.7	18.3
Utah	17.8	52.2	16.1
Vermont	<sup>a</sup> 22.9	<sup>b</sup> 47.4	<sup>b</sup> 22.8
Virginia	24.0	37.5	20.6
Washington	39.7	64.8	34.6
West Virginia	44.0	68.7	34.4
Wisconsin	19.7	52.5	18.8
Wyoming	17.7	52.6	21.9

Note.—Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript "a" have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript "b" have sampling errors equal to or greater than 13 percent but less than 16 percent. Sampling errors may be high for state tables because they are not adjusted for finite population correction.

TABLE V.3.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY COMMUNITY TYPE

Environmental factor	Central city	Urban fringe/large town	Rural/small town
Lighting	20.4	17.3	11.4
Heating	22.8	19.0	17.0
Ventilation	31.5	28.2	23.6
Indoor air quality	22.5	19.0	17.2
Acoustics for noise control	31.6	26.3	26.8
Flexibility	59.7	50.8	52.0
Physical security	26.5	22.8	23.5

Note.—Sampling errors range ± 1.6–3.5 percent.

TABLE V.4.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY LEVEL OF SCHOOL

Environmental factor	Elementary	Secondary	Combined
Lighting	16.3	13.8	15.0
Heating	18.8	20.6	18.6
Ventilation	26.4	29.2	27.0
Indoor air quality	19.1	19.4	21.8
Acoustics for noise control	28.3	26.8	32.2
Flexibility	54.9	51.5	51.4
Physical security	22.9	27.4	28.8

Note.—Sampling errors range ± 1.7–3.9 percent.

TABLE V.5.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY PROPORTION OF MINORITY STUDENTS

Environmental factor	Percent of minority students			
	Less than 5.5	5.5 to less than 20.4	20.5 to less than 50.5	50.5 or more
Lighting	12.1	14.3	16.0	22.9
Heating	17.7	18.1	18.7	23.7
Ventilation	25.6	25.4	27.4	31.4
Indoor air quality	17.5	17.6	20.4	22.9
Acoustics for noise control	27.7	25.1	26.8	32.8
Flexibility	50.8	52.3	55.3	60.1
Physical security	21.6	21.3	22.7	33.3

Note.—Sampling errors range ± 1.8–3.9 percent.

TABLE V.6.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY GEOGRAPHIC REGION

Environmental factor	North-east	Mid-west	South	West
Lighting	13.8	12.8	13.7	23.8
Heating	20.3	18.2	16.3	24.3
Ventilation	31.4	27.8	20.9	32.3
Indoor air quality	19.9	18.4	16.8	23.5
Acoustics	29.6	29.3	24.4	30.9
Flexibility	55.7	54.2	47.0	62.8
Physical security	21.1	21.2	23.9	31.4

Note.—Sampling errors range ± 1.8–4.5 percent.

TABLE V.7.—PERCENT OF SCHOOLS REPORTING UNSATISFACTORY ENVIRONMENTAL FACTORS BY PROPORTION OF STUDENTS APPROVED FOR FREE OR REDUCED LUNCH

Environmental factor	Percent of students approved for free or reduced lunch			
	Less than 20	20 to less than 40	40 to less than 70	70 or more
Lighting	14.3	13.2	15.8	19.1
Heating	18.9	15.5	20.6	22.1
Ventilation	26.1	23.5	28.3	30.6
Indoor air quality	15.8	15.9	22.6	22.6
Acoustics	24.1	27.0	29.4	32.8
Flexibility	49.0	53.5	59.0	57.4
Physical security	19.4	18.8	25.9	30.0

Note.—Sampling errors range ± 2.3–3.8 percent.

APPENDIX VI—TECHNICAL APPENDIX  
SCOPE AND METHODOLOGY OVERVIEW

To determine the extent to which America's 80,000 schools have the physical capacity to support 21st century technology and education reform for all students, we surveyed a national sample of public schools and their associated districts and augmented the surveys with visits to selected school districts. We used various experts to advise us on the design and analysis of this project (See app. I.)

We sent the surveys to a nationally representative sample of about 10,000 public schools in over 5,000 associated school districts. For our sample, we used the public school sample for the Department of Education's 1993-94 Schools and Staffing Survey (SASS), which is a multifaceted, nationally representative survey sponsored by the National Center for Educational Statistics (NCES) and administered by the Bureau of the Census.

We asked about the physical condition of schools and how well schools could meet selected functional requirements of education reform, such as having space for small- and large-group instruction or science laboratories. We also asked officials if their schools had sufficient data, voice, and video technologies and infrastructure to support these technologies. A list of the relevant survey items appears in appendix II.<sup>18</sup>

We directed the survey to those officials who are most knowledgeable about facilities—such as facilities directors and other central office administrators of the districts that housed our sampled schools. Our analyses are based on responses from 78 percent of the schools sampled and 75 percent of the associated districts. Analyses of nonrespondent characteristics showed them to be similar to respondents. Findings from the survey have been statistically adjusted (weighted) to produce estimates that are representative at national and state levels. All data are self-reported, and we did not independently verify their accuracy.

In addition, we visited 41 schools in 10 selected school districts varying in location, size, and minority composition to augment and illustrate our survey results. We also reviewed the literature on education reform, including the relationship between environmental conditions and student learning. We conducted our study between January 1994 and March 1995 in accordance with generally accepted government auditing standards.

SCHOOL AND DISTRICT SURVEYS

For our review of the physical condition of America's schools, we wanted to determine physical condition as perceived by the most knowledgeable school district personnel. To accomplish this, we mailed school and district questionnaires to superintendents of school districts associated with a nationally representative sample of public schools. We asked the superintendents to have district

personnel, such as facilities directors who were very familiar with school facilities, answer the questionnaires. The questionnaires gathered information about (1) the physical condition of schools; (2) costs of bringing schools into good overall condition, which we defined as needing only routine maintenance or minor repairs; and (3) how well schools could meet the functional requirements of education programs. For our school sample, we used the sample for the 1993-94 SASS.

#### SAMPLING STRATEGY

The 1993-94 SASS sample is designed to give several types of estimates, including both national and state-level estimates. It is necessarily a very complex sample. Essentially, however, it is stratified by state and grade level (elementary, secondary, and combined). It also has separate strata for schools with large Native American populations and for Bureau of Indian Affairs schools. A detailed description of the sample and discussion of the sampling issues is contained in NCES' technical report on the 1993-94 SASS sample.<sup>19</sup>

#### SURVEY RESPONSE

We mailed our questionnaires to 9,956 sampled schools in 5,459 associated districts across the country in May 1994. We did a follow-up mailing in July 1994 and again in October 1994. After each mailing, we telephoned nonresponding districts to encourage their responses. We accepted returned questionnaires through early January 1995.

Of the 9,956 schools in the original sample, 393 were found to be ineligible for our survey.<sup>20</sup> Subtracting these ineligible schools from our original sample yielded an adjusted sample of 9,563 schools. The number of completed, usable school questionnaires returned was 7,478. Dividing the number of completed, usable returns by the adjusted sample yielded a school response rate of 78 percent. Of the 5,459 associated districts in the original sample, 28 were found to be ineligible for our survey mainly because they were no longer operating. Subtracting these ineligible districts from our original sample of 5,459 associated districts yielded an adjusted district sample of 5,431 districts. The number of completed, usable district questionnaires returned was 4,095. Dividing the number of completed, usable returns by the adjusted district sample yielded a district response rate of 75 percent.<sup>21</sup>

We compared school and district nonrespondents with respondents by urbanicity, location, state, race and ethnicity, and poverty. There were few notable differences between the groups. On the basis of this information, we assumed that our respondents did not differ significantly from the nonrespondents.<sup>22</sup> Therefore, we weighted the respondent data to adjust for nonresponse and yield national and state-level estimates.

#### SAMPLING ERRORS

All sample surveys are subject to sampling error, that is, the extent to which the results differ from what would be obtained if the whole population had received the questionnaire. Since the whole population does not receive the questionnaire in a sample survey, the true size of the sampling error cannot be known. However, it can be estimated from the responses to the survey. The estimate of sampling error depends largely on the number of respondents and the amount of variability in the data.

For this survey, sampling errors for all school-level estimates at the national level is estimated to be  $\pm 2$  percent or less at the 95-percent confidence level. Sampling errors for school-level estimates at the state level are generally within  $\pm 10$  percent at the 95-percent confidence level. Sampling errors for

a few state-level estimates may go as high as  $\pm 12$ -15 percent. These are indicated on the tables in the appendixes. Sampling errors for district-level estimates are not available. With the exception of the information on recent bond issues passed by districts, all estimates discussed in this report are school-level estimates at national or state-levels.

#### NONSAMPLING ERRORS

In addition to sampling errors, surveys are also subject to other types of systematic error or bias that can affect results. This is especially true when respondents are asked to answer questions of a sensitive nature or inherently subject to error. Lack of understanding of the issues can also result in systematic error. Bias can affect both response rates and the way that respondents answer particular questions. It is not possible to assess the magnitude of the effect of biases, if any, on the results of a survey. Rather, possibilities of bias can only be identified and accounted for when interpreting results. This survey had two major possible sources of bias: (1) bias inherent in all self-ratings or self-reports and (2) sensitivity of compliance issues.

Bias inherent in self-ratings may impact results of this survey in two major areas. First, the self-ratings or self-reports of technological sufficiency may be overly optimistic for several reasons. In our analyses, we include as "sufficient" responses that indicated moderate and somewhat sufficient capability as well as very sufficient capability. This could indicate a wide range of sufficiency, including some responses that are very close to "not sufficient." In addition, our analyses showed that without any objective standards with which to anchor their responses, schools indicating "sufficient" computers and computer/student ratios that ranged from 1:1 to 1:292 (a median of 1:11) for those schools that had computers. About 300 schools that indicated they had no computers for instructional use said that was sufficient. (See table III.9 for more details.) Finally, technology experts who regularly consult with school systems report that the level of knowledge among school administrators and staff of possible use and application of technology in schools is low—further increasing the likelihood that these sufficiency estimates are overly optimistic.

Second, assessing the physical condition of buildings is a very complex and technical undertaking. Moreover, many facilities problems, particularly the most serious and dangerous, are not visible to the naked eye. Further, any dollar estimates made of the cost to repair, retrofit, upgrade, or renovate are just that, estimates, unless the school has recently completed such work. The only way school officials actually know what such work costs is to put it out for bid. Even then, cost changes may occur before the contracted work is completed. Therefore, estimates and evaluations reported are subject to inaccuracies.

A second kind of bias that may occur results from the sensitivity of compliance issues. In this case, our interest in securing information related to compliance with federal mandates, life-safety codes, and physical security put us in a highly sensitive area. For example, respondents may perceive that accurately reporting problems in providing access for disabled students could make the school vulnerable to lawsuits, despite assurances of confidentiality. Consequently, in sensitive areas schools may tend toward underreporting or making conservative estimates.

In general, survey results were consistent with what we saw in our site visits.

#### SITE VISITS

To illustrate and augment our survey results, we conducted site visits in 10 districts: Chicago, Illinois; Grandview, Washington; Montgomery County, Alabama; New Orleans, Louisiana; New York, New York; Pomona, California; Ramona, California; Raymond, Washington; Richmond, Virginia; and Washington, D.C. Selected to represent key variables, they varied in location, size, and ethnic composition.

During these site visits, we interviewed central office staff, such as district superintendents, facilities directors, and business managers; and school staff, such as principals and teachers. We asked the central office staff about their district demographics, biggest facilities issues, facilities financing, assessment, maintenance programs, resources, and barriers to reaching facilities goals.

In addition, in each district we asked district officials to show us examples of "typical," "best," and "worst" schools and verified reliability of these designations with others. In some small districts, we visited all schools. We spoke with administration and staff in the schools we toured. We asked the school staff about their schools' condition, repair and renovation programs, and facilities needs for educational programs.

#### CLASSIFICATION VARIABLES

**Community Type.—Central City:** A large central city (a central city of a Standard Metropolitan Statistical Area (SMSA)) with population greater than or equal to 400,000 or a population density greater than or equal to 6,000 per square mile) or a mid-size central city (a central city of an SMSA but not designated a large central city).

**Urban Fringe/Large Town:** Urban fringe of a large or mid-size central city (a place within an SMSA of a large or mid-size central city and defined as urban by the Bureau of the Census) or a large town (a place not within an SMSA but with a population greater than or equal to 25,000 and defined as urban by the Bureau of the Census).

**Rural/Small Town:** Rural area (a place with a population of less than 2,500 and defined as rural by the Bureau of the Census) or a small town (a place not within an SMSA, with a population of less than 25,000 but greater than or equal to 2,500 and defined as urban by the Bureau of the Census).

**School Level.—Elementary:** A school that had grade six or lower or "ungraded" and no grade higher than eighth.

**Secondary:** A school that had no grade lower than the seventh or "ungraded" and had grade seven or higher.

**Combined:** A school that had grades higher than the eighth and lower than the seventh.

**Minority Enrollment.—**The percentage of students defined as minority using the following definition for minority: American Indian or Alaskan Native; Asian or Pacific Islander; Hispanic, regardless of race (Mexican, Puerto Rican, Cuban, Central or South American, or other culture or origin); Black (not of Hispanic origin).

**Geographic Region.—Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania.

**Midwest:** Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas.

**South:** Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas.

**West:** Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, Hawaii.

Proportion of Students Receiving Free or Reduced Lunch.—Calculation based on survey question 4 (“What was the total number of Full Time Equivalent (FTE) students enrolled in this school around the first of October 1993?”) and survey question 25 (“Around the first of October 1993, how many applicants in this school were approved for the National School Lunch Program?”).

Student/Computer Ratio.—Calculation based on survey question 4 (“What was the total number of Full Time Equivalent (FTE) students enrolled in this school around the first of October 1993?”) and question 18 (“How many computers for instructional use does this school have?”).

APPENDIX VII.—DATA SUPPORTING FIGURES IN THE REPORT

TABLE VII. 1: DATA FOR FIGURE V.1—PERCENT OF SCHOOLS WITH AIR-CONDITIONING IN CLASSROOMS—BY STATE

State	Percent of schools with air-conditioning in classrooms
Alabama	97.8
Alaska	4.9
Arizona	68.2
Arkansas	95.9
California	67.2
Colorado	28.5
Connecticut	21.7
Delaware	<sup>b</sup> 42.0
District of Columbia	<sup>a</sup> 47.4
Florida	97.8
Georgia	92.9
Hawaii	18.1
Idaho	26.0
Illinois	26.8
Indiana	53.5
Iowa	22.0
Kansas	63.1
Kentucky	92.3
Louisiana	96.0
Maine	2.0
Maryland	55.3
Massachusetts	11.8
Michigan	18.9
Minnesota	19.2
Mississippi	97.3
Missouri	51.1
Montana	13.4
Nebraska	<sup>a</sup> 37.9
Nevada	70.1
New Hampshire	00.0
New Jersey	21.8
New Mexico	70.4
New York	10.2
North Carolina	87.8
North Dakota	18.1
Ohio	15.6
Oklahoma	94.5
Oregon	17.0
Pennsylvania	28.9
Rhode Island	5.8
South Carolina	100.0
South Dakota	10.9
Tennessee	95.2
Texas	98.4
Utah	34.4
Vermont	1.4
Virginia	77.8
Washington	31.8
West Virginia	58.1
Wisconsin	25.7
Wyoming	13.4

Note: Sampling errors are less than ± 11 percent unless otherwise noted. Responses marked with a superscript “a” have sampling errors equal to or greater than 11 percent but less than 13 percent. Responses marked with a superscript “b” have sampling errors equal to or greater than 13 percent but less than 14.2 percent.

APPENDIX VIII—GAO CONTACTS AND STAFF ACKNOWLEDGMENTS  
GAO CONTACTS

Eleanor L. Johnson, Assistant Director, (202) 512-7209; Ella Cleveland, Project Manager, (202) 512-7066; Kathleen Ward, Senior Analyst, (313) 256-8078.

STAFF ACKNOWLEDGMENTS

D. Catherine Baltzell, Supervisory Social Science Analyst; Nancy Kintner-Meyer, Evaluator; Deborah L. McCormick, Senior Social Science Analyst; Edna M. Saltzman, Subproject Manager; Diane E. Schilder, Senior Evaluator.

FOOTNOTES

<sup>1</sup>Sampling error is ±6.61 percent.

<sup>2</sup>Small-group instruction, teacher planning, private areas for student counseling and testing, and library/media centers.

<sup>3</sup>Ventilation, heating, indoor air quality, and lighting.

<sup>4</sup>See Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD-93-97, Apr. 30, 1993).

<sup>5</sup>See School-Linked Human Services: A Comprehensive Strategy for Aiding Students at Risk of School Failure (GAO/HEHS-94.21, Dec. 30, 1993).

<sup>6</sup>See Regulatory Flexibility in Schools: What Happens When Schools Are Allowed to Change the Rules? (GAO/HEHS-94-102, Apr. 29, 1994) and Education Reform: School-Based Management Results in Changes in Instruction and Budgeting (GAO/HEHS-94-135, Aug. 23, 1994).

<sup>7</sup>Experts have identified other key components affecting the implementation of technology in schools, such as sufficient teacher training and computer support services. However, because our focus was on school facilities, these components were not included in our survey.

<sup>8</sup>Multimedia uses a single communication system (cable) to transmit voice, data, and video, currently by digitizing voice and video.

<sup>9</sup>See, for example, The National Information Infrastructure: Requirements for Education and Training, National Coordinating Committee on Technology in Education and Training, (Alexandria, Va: 1994).

<sup>10</sup>Beau Fly Jones et al., Learning, Technology and Policy for Educational Reform, July 1994, Version 1.0, North Central Regional Educational Laboratory (Oak Brook, Ill.: 1994).

<sup>11</sup>The Internet, a global communications network, is a cooperative effort among educational institutions, government agencies, and various commercial and nonprofit organizations. Historically, the Internet has contained mostly scientific research and education information. However, more recently, the kind of information accessible on the Internet has expanded to include library catalogs, full texts of electronic books and journals, government information, campuswide information systems, picture archives, and business data and resources. The Internet allows three primary functions: electronic mail and discussion groups (e mail), use of remote computers (telnet), and transferring files (file transfer protocol).

<sup>12</sup>“Opportunity to learn” refers to the sufficiency or quality of the resources, practices, and conditions necessary to provide all students with an opportunity to learn the material in voluntary national content standards or state content standards. See, for example, Andrew Porter, “The Uses and Misuses of Opportunity-to-Learn Standards,” Educational Researcher, Vol. 24, No. 1 (1995), pp. 21-27; and Faith E. Crampton and Terry N. Whitney, “Equity and Funding of School Facilities: Are States at Risk?” State Legislative Report, Vol. 20, No. 1 (1995), pp. 1-8.

<sup>13</sup>Laser disk players and VCRs were rated as one item. It could be that a sufficient number of VCRs exists but not laser disk players.

<sup>14</sup>The self-reports of sufficiency may be overly optimistic for several reasons. First, in our analyses we included as “sufficient” responses that indicated moderate and somewhat sufficient capability as well as very sufficient capability. This could indicate a wide range of sufficiency, including some responses that are very close to “not sufficient.” Second, our analysis of responses showed that without any objective standards with which to anchor their responses, schools indicating “sufficient” computers had computer/student ratios ranging from 1:1 to 1:292 (a median of 1:11) for those schools that had computers. About 300 schools that indicated they had no computers said that was sufficient. (For more detail, see table III.9 in app. III.) Finally, technology experts who regularly consult with school systems report that the level of knowledge among school administrators and staff of possible use and application of technology in schools is low—further increasing the likelihood that these sufficiency estimates are overly optimistic.

<sup>15</sup>We asked respondents to rate the overall condition of their school buildings on a six-point scale: excellent, good, adequate, fair, poor, or replace. See School Facilities: Condition of America’s Schools (GAO/HEHS-95-61, Feb. 1, 1995).

<sup>16</sup>Environmental factors associated with learning include heating, lighting, air-conditioning, acoustics, space flexibility, and physical security.

<sup>17</sup>See, for example, J. Howard Bowers et al., “Effects of the Physical Environment of Schools on Students,” (paper presented to 65th Council of Educational Facility Planners, International Conference, 1988) and Carol S. Cash, “Building Condition and Student Achievement and Behavior,” doctoral

dissertation, Virginia Polytechnic Institute and State University, 1993.

<sup>18</sup>A full copy of the questionnaire appears in the first report in this series, School Facilities: Condition of America’s Schools (GAO/HEHS-95-61, Feb. 1, 1995).

<sup>19</sup>Robert Abramson et al., 1993-94 Schools and Staffing Survey: Sample Design and Estimation, NCES (available in July 1995).

<sup>20</sup>Reasons for ineligibility included school no longer in operation, entity not a school, private rather than public school, and post-secondary school only.

<sup>21</sup>Detailed sample and response information for each sample stratum is available upon request from GAO. See appendix VIII for appropriate staff contacts.

<sup>22</sup>We did not poll nonrespondents, so we have no way to verify this assumption.

Ms. MOSELEY-BRAUN. I would like to take a moment to share with the Chair some information. These charts are bulky, but this is information that comes out of the GAO report that I think is a very telling statement about where we are in our country today in terms of education and technology infrastructure.

The report which, as you may know, was entitled “America’s Schools Not Designed or Equipped for 21st Century.”

In this part of the report, most States report that at least 50 percent of schools have insufficient technology.

My own State of Illinois comes down here, where 60 to 69 percent of the schools in Illinois do not have sufficient technology infrastructure. The Presiding Officer’s State, I think, does a little better. You are in this category. As you can see, we have a long way to go to get the technology up to speed.

Understand that this report speaks specifically to technology. The first report talked about infrastructure. So we talk about putting in computers. We have heard stories from some of the teachers and people who were questioned in this regard that one of the big problems they run into is, even if they had the computers, the technology, they do not have the capacity to use them. They do not have the phone lines, the cables, and they do not have the ability.

One report was that in the classroom in a particular school—and I will not name it now—there were two outlets in the classroom, and so if more than two teachers plug something in, the whole building would shut down because the circuit breaker would go. Clearly we cannot expect our young people to compete in this world economy, in this global economy, with that kind of millstone around their neck, without having the ability to access the technologies.

The youngsters may play Nintendo, but that is not training them to compete in our global economy. So if we are training them to address the competition we want them to meet, I believe we have a national interest in addressing the infrastructure and technology infrastructure so we can provide our young people with the tools they will need to succeed. Certainly it is an issue that goes to our international competitiveness. Just this

morning in the Finance Committee, Ambassador Kantor was there to talk about trade relations of the United States: Where we are in the balance of trade; where we are with regard to the issues affecting the globalization of this economy; how is our country doing.

The question came up, What is the most important thing we can do to see to it we are able to compete in this global economy? The answer to that question is investment in human capital. The answer to that question is education. The answer to that question is training, so our people, our children will have the skills and the knowledge and the wherewithal and capacity to be competitive.

I point out also the national statistics. I will point out also, in addition to the issue of competitiveness, giving our young people the capacity to compete in this world economy will be a boon to the entire community. If you ask employers in our private sector what is the biggest impediment to them hiring people, it is that they are getting people who are not, right now, trained. So the private sector winds up, if you will, having costs shifted to them because the youngsters that our schools are turning out are not quite yet trained to handle the demands of business.

If we are going to prepare our young people for the global economy, if we are going to prepare our young people for the world of work, if we are going to stop relying on the willy-nilly haphazard shifting of costs to the private sector, and make certain we have the capacity in this Nation to keep America strong through having a well-educated work force, I believe we have a national interest in investing in this infrastructure, and in this technology infrastructure particularly.

This chart talks about the millions of students who attend schools with insufficient technology. Again, this is putting aside for a moment the basic infrastructure like do you have the plugs in the classroom, like having the sufficient lighting. That was the first GAO report, and you recollect that report said we were way behind and our schools were deteriorating and not capable, really, of handling a lot of this stuff.

But look at this. Mr. President, 86 percent of our schools, or 66,000 schools, or 35.4 million children in the United States attend schools that do not have sufficient fiber optic cables for them to access the technology. The fiber optics cable is necessary for them to access the technology and plug into the Internet. You have to have this to get onto the information superhighway. So 35.4 million of our students do not have the capacity to get on that highway in school.

Phone lines for instructional use—again, 61.2 percent of our schools, 47,000 schools, or 24.8 million students in this country do not have phone lines for instructional use.

Conduits, raceways for computers, the computer network cables—60 percent of the schools do not have it, or 24.9 million students.

Go right down the list, even down to televisions. TV's, 15 percent of the schools do not have it; 6.8 million students.

It seems to me, for the kind of investment we require here, we can upgrade the kind of information and resources that are available to our young people, we can give them the tools they will need to learn. We can help teachers teach better and in so doing we will have benefits to the entire community.

I will close by saying what I may have said already but I cannot reiterate it too often. Education is not just a private benefit. It is not just whether or not I can get a good job or I can get a leg up on the competition or whether or not I can afford to be trained or be educated or to have a certain set of skills. Education is more than a private benefit. It is a public good. It goes to the stability and the quality of life of our community as a whole, of our entire country. Every person benefits when we have a well-educated citizenry.

Frankly, that is how this Nation became the strong, great Nation that it was, because we had a work force that was better trained, better equipped, better provided for than any other work force in the world. We are in grave danger of losing that if we do not make the kind of investment in our human capital, in our children, in education, that we need to make in order to give our community the benefits of the talent that I believe these young people have.

So, in closing, I would like to again thank Senator PELL for all his leadership and for his joining on the GAO letter, and thank the Chair for his attention. I have introduced the GAO report into the RECORD.

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

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, what is the pending business? Are we in morning business?

The PRESIDING OFFICER. The pending business is the appropriations bill.

Mr. DOLE. I ask if I may speak as in morning business.

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

#### FRANKLIN ROOSEVELT— DISABILITY HERO

Mr. DOLE. Mr. President, as many Members of the Senate know, it is my custom to speak each year about a disability subject on April 14. It is the

date I was wounded in World War II and joined the disability community myself. This year we will be in recess on April 14, so I will give my annual message today.

Mr. President, I will talk about another member of the disability community—certainly one of its most prominent members. But throughout his life, his disability was not only unknown to most people, it was denied and hidden.

I am speaking about President Franklin Roosevelt. Next week, the Nation will commemorate the 50th anniversary of his death on April 12, 1945. He will surely be recalled by many as a master politician; an energetic and inspiring leader during the dark days of the Depression; a tough, single-minded Commander in Chief during World War II; and a statesman.

No doubt about it, he was all these things. But he was also the first elected leader in history with a disability, and he was a disability hero.

#### FDR'S SPLENDID DECEPTION

Mr. President, in 1921, at age 39, Franklin Roosevelt was a young man in a hurry. He was following the same political path that took his cousin, Theodore Roosevelt, to the White House. In 1910 he was elected to the New York State Senate, and later was appointed Assistant Secretary of the Navy. In 1920, he was the Democratic candidate for Vice President.

Then, on the evening of August 10, while on vacation, he felt ill and went to bed early. Within 3 days he was paralyzed from the chest down. Although the muscles of his upper body soon recovered, he remained paralyzed below the waist.

His political career screeched to a halt. He spent the next 7 years in rehabilitation, determined to walk again. He never did. He mostly used a wheelchair. Sometimes he was carried by his sons or aides. Other times he crawled on the floor.

But he did perfect the illusion of walking—believing that otherwise his political ambitions were dead. He could stand upright only with his lower body painfully wrapped in steel braces. He moved forward by swinging his hips, leaning on the arm of a family member or aide. It worked for only a few feet at a time. It was dangerous. But it was enough to convince people that FDR was not a "cripple." FDR biographer Hugh Gallagher has called this effort, and other tricks used to hide his disability. "FDR's splendid deception."

This deception was aided and abetted by many others. The press were coconspirators. No reporter wrote that FDR could not walk, and no photographer took a picture of him in his wheelchair. For that matter, thousands saw him struggle when he walked. Maybe they did not believe or understand what they saw.

In 1928, FDR ended his political exile, and was elected Governor of New York. Four years later, he was President. On March 4, 1933, standing at the east

front of this Capitol, he said, "The only thing we have to fear is fear itself." He was 35 feet from his wheelchair. Few people knew from what deep personal experiences he spoke.

Perhaps the only occasion where FDR fully acknowledged the extent of his disability in public was a visit to a military hospital in Hawaii. He toured the amputee wards in his wheelchair. He went by each bed, letting the men see him exactly as he was. He did not need to give any pep talks—his example said it all.

#### FDR—DISABILITY HERO

Mr. President, earlier I called FDR a "disability hero." But it was not for the reasons some might think. It would be easy to cite his courage and grit. But FDR would not want that. "No sob stuff," he told the press in 1928 when he started his comeback. Even within his own family, he did not discuss his disability. It was simply a fact of life.

In my view, FDR is a hero for his efforts on behalf of others with a disability. In 1926, he purchased a run-down resort in Warm Springs, GA, and over the next 20 years turned it into a unique, first class, rehabilitation center. It was based on a new philosophy of treatment—one where psychological recovery was as important as medical treatment.

FDR believed in an independent life for people with disabilities—at a time when society thought they belonged at home or in institutions.

Warm Springs was run by people with polio, for people with polio. In that spirit, FDR is the father of the modern independent living movement—which puts people with disabilities in control of their own lives.

He also founded the National Foundation for Infantile Paralysis—today known as the March of Dimes—and raised millions of dollars to help others with polio and find a cure. On April 12, 1955, on the 10th anniversary of his death, the March of Dimes announced the first successful polio vaccine, engineered by Dr. Jonas Salk. Today, polio is virtually extinct in the United States. Next week, the March of Dimes will celebrate the 40th anniversary of the vaccine in Ann Arbor.

In public policy, FDR understood that Government help in rehabilitating people with disabilities is good business—often returning more in taxes and savings than it costs. It is unfortunately a philosophy that even today we often pay more lip service than practice.

#### DISABILITY TODAY AND TOMORROW

Mr. President, our Nation has come a long way in its understanding of disability since the days of President Roosevelt. For example, we recognize that disability is a natural part of life. We have begun to build a world that is accessible. No longer do we accept that buildings—either through design or indifference—are not accessible, which is a "Keep Out" sign for the disabled.

We have come a long way in another respect—in attitudes. Fifty years ago,

we had a President, Franklin Roosevelt, who could not walk and believed it was necessary to disguise that fact from the American people. Today I trust that Americans would have no problem in electing as President a man or woman with a disability.

Mr. President, let us not fool ourselves—this work is not done. Not by a long shot. And I think this is something that we can all agree on, Republican or Democrat.

So, next week, as we honor President Roosevelt, let us remember him as a disability hero and dedicate ourselves to this unfinished business.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

#### CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Hatfield amendment No. 420 to H.R. 1158, the supplemental appropriations bill, signed by 17 Senators as follows:

Senators Mark Hatfield, Pete Domenici, Rick Santorum, Larry Pressler, Mitch McConnell, Slade Gorton, Rod Grams, Ben Nighthorse Campbell, Conrad Burns, Mike DeWine, Nancy Kassebaum, Ted Stevens, Jesse Helms, Robert F. Bennett, Spencer Abraham, Dirk Kempthorne, and Fred Thompson.

#### MORNING BUSINESS

#### AMERICAN FIRM COMPETES FOR TRANSMISSION PROJECT IN QATAR

Mr. DOLE. Mr. President, the State of Qatar is planning a major expansion of its electric transmission system, which will be carried out under its phase IV transmission extension project. This project, with a value of more than \$500 million, is being pursued by the energy group of Black & Veatch, which has headquarters in Overland Park, KS. Many of the firm's employees are constituents of mine. We are proud of this competitive American company. It is a world leader in the field of electrical power generation and distribution, and is recognized for the technological and managerial quality of power projects that it has undertaken over the years in more than 50 countries around the globe.

Companies like Black & Veatch are part of the answer to bringing down our trade deficit, which is now running

at an all-time high. The world needs U.S. Technology and U.S. Services, and we should do everything we can to ensure that our companies get the chance to compete in overseas markets.

I have asked the Crown Prince of Qatar to give serious consideration to Black & Veatch's proposal for the electric transmission system project, and I ask unanimous consent that a copy of my letter to the Crown Prince be printed in the RECORD. I thank the Chair.

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

U.S. SENATE,

Washington, DC, March 22, 1995.

His Highness SHEIKH HAMAD BIN KHALIFA AL-THANI,

*The Crown Prince, State of Qatar.*

YOUR HIGHNESS: I wish to express my hope that the State of Qatar will give serious consideration to the proposal for the Transmission Extension Project by Black & Veatch International.

I am aware that United States Secretary of Commerce Ron Brown has visited with Your Highness and other top level officials of the State of Qatar on this matter. In addition, Secretary Brown has expressed his support of the Black & Veatch International offer in a letter to Sheikh Hamad bin Jassim bin Jahor al-Thani.

Black & Veatch International is well known to me and to many other U.S. Government officials for its high quality services for infrastructure projects. Many of the firm's principals and employees are constituents of mine. The firm's worldwide dominance of electric power projects can advance the State of Qatar's position in exporting LNG.

I respectfully request that you consider Black & Veatch International for the Phase IV Transmission Extension Project.

Sincerely,

BOB DOLE.

#### NATIONAL MENTAL HEALTH COUNSELING WEEK

Mr. HEFLIN. Mr. President, I come to the floor today to acknowledge the importance of mental health to everyone's and society's well-being and to call our attention to counseling as a vital part of maintaining good mental health.

Mental health counseling is provided along a continuum of patient needs, from educational and preventive services, to diagnosis and treatment of mental illness, to long-term and acute care. It assists individuals and groups with problemsolving, personal and social development, decisionmaking, and self-awareness.

Such counseling is offered through community mental health agencies, private practices, psychiatric hospitals, college campuses, and rehabilitation centers. It is often provided in conjunction with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists so that the most appropriate treatment for each patient is assured. It is provided by professionals with advanced degrees in counseling or

related disciplines, practicing within the scope of their training and experience. They are currently licensed in 40 States and the District of Columbia.

I want to congratulate the American Mental Health Counselors Association on their designation of April 30 to May 6, 1995 as "National Mental Health Counseling Week," and urge each and every American to seek the assistance of a qualified mental health counselor when needed. After all, our mental health is just as important as our physical health.

#### 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 Committee on the Judiciary.

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

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

At 4:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1345. An act to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1345. An act to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-707. A communication from the Deputy Assistant Secretary for Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report relative to Federal Acquisition Regulation Part 50; to the Committee on the Judiciary.

EC-708. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the calendar year 1994 report of the Agency's activities under the Freedom of Information Act; to the Committee on the Judiciary.

EC-709. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the fiscal year 1994 report relative to the Arts and Artifacts Indemnity Program; to the Committee on Labor and Human Resources.

EC-710. A communication from the Secretary of Labor, transmitting, pursuant to law, the 1993 annual report relative to veterans employment and training; to the Committee on Veterans' Affairs.

EC-711. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to rescissions submitted by the President of the United States on February 6, 1995; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Environment and Public Works, to the Committee on Labor and Human Resources, and to the Committee on Small Business.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-87. A resolution adopted by the Board of Commissioners of the County of Granville, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM-88. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

##### "RESOLUTION NO. 10

"Whereas, The Low-Income Energy Assistance Program (LIHEAP) is a federally funded program to help low-income families pay their heating bills; and

"Whereas, Eligibility for the program is set at 135% of poverty level (maximum income of \$19,900 for a family of four) and LIHEAP reaches fewer than one-half of the eligible households in Pennsylvania; and

"Whereas, Persons can receive one LIHEAP I grant a year and crisis payments to a maximum amount of \$250 for emergency situations with the average LIHEAP I grant being \$167 and average crisis grant amounting to \$231; and

"Whereas, LIHEAP serves Pennsylvania citizens with great needs. Thirty-two percent of the persons receiving aid are Social Security recipients, 26% are welfare recipients, 20% are working poor, 11% are supplemental

security income recipients and 3% receive unemployment benefits; and

"Whereas, Due to funding reductions, the program is no longer available during times of greatest need, thereby exacerbating health and safety needs; and

"Whereas, For example, the average LIHEAP grant assisted the neediest gas utility customers with 40.6% of their gas bills in 1985, but only provided assistance for 17.4% of the gas bills in 1994, one of the worst winters in the history of the country; and

"Whereas, This heating season, 1994-1995, the Federal appropriation for LIHEAP in Pennsylvania is 87.9 million dollars, the lowest in the history of the program; and

"Whereas, Sources of funds used by states to supplement LIHEAP such as the Energy Conservation Assistance Fund (ECAAF) will be exhausted in 1995; therefore, be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President of the United States to maintain the 1994-1995 funding levels for LIHEAP and to refrain from any further reductions; and be it further

"Resolved, That Congress is urged to reject any proposal to reduce LIHEAP funding; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-89. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

##### "SENATE JOINT RESOLUTION NO. 335

"Whereas, the Personal Responsibility Act, a bill introduced in the United States Congress, includes provisions that would consolidate all nutrition programs into block grants to the states with funding reduced to 95 percent of their Fiscal Year 1995 appropriation level; and

"Whereas, this block grant would include the food stamp program, the school lunch program, the Women, Infant and Children's Nutrition Program (WIC), and the Senior Nutrition components of the Older Americans Act; and

"Whereas, the Senior Nutrition Program has two service components: (1) meals at congregate sites as the base for a comprehensive program of wellness and recreation activities, educational programs and access to other services, and (2) home delivered meals (Meals on Wheels); and

"Whereas, the Senior Nutrition Programs are a fundamental part of a comprehensive service system aimed at keeping older people at home, supporting family caregivers, and avoiding unnecessary and costly institutionalization; and

"Whereas, although the current program is not means-tested, it does serve those with the greatest economic need and maintains the dignity of participants by providing mechanisms for participants to contribute according to their ability to pay; and

"Whereas, Senior Nutrition Programs have been long established in the community and are supported through a vast network of volunteers of all ages and through case and in-kind support from the private sector; and

"Whereas, Senior Nutrition Programs are time-tested, successful examples of low cost, locally managed programs; and

"Whereas, the Senior Nutrition Program is consumer focused and has broad community support due to its flexibility and its role as point-of-contact and link to the broader aging services system; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring.* That the United States Congress be urged to maintain the integrity of the already established comprehensive aging service system by deleting the portion of the bill that would remove the Senior Nutrition Programs from this service system, thereby preserving the integrity of the Older Americans Act; and, be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-90. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Labor and Human Resources.

"ENROLLED JOINT RESOLUTION No. 2

"Whereas, there is an urgent need to modify federal mandates because the implementation of these mandates by the state wastes the financial resources of Wyoming school districts, the citizens of Wyoming and the state and does not properly respect the rights of the state, its school districts and citizens; and

"Whereas, the Tenth Amendment to the United States Constitution directs that powers not delegated to the United States are reserved to the states or to the people; and

"Whereas, Wyoming, as one of the sovereign states within the union, has constitutional authority to enact laws protecting the environment of the state and safeguarding the public health, safety and welfare of the citizens of Wyoming; and

"Whereas, this authority has too often been ignored by the federal government which has intruded more and more into areas better left to the states; and

"Whereas, it is essential that the dilution of the authority of state and local governments be halted and that the provisions of the Tenth Amendment be accorded proper respect; and

"Whereas, current federal mandates, as reflected in P.L. 103-382, often do not reflect the realities of the Rocky Mountain region and federal regulators frequently do not understand the needs and priorities of the citizens of Wyoming; and

"Whereas, the citizens of this state can create and wish to create innovative solutions to Wyoming's problems, but Wyoming is currently denied the flexibility necessary to address these problems: Now, therefore, be it

*Resolved by the members of the legislature of the State of Wyoming:*

"Section 1. The members of the Wyoming legislature strongly request the United States Congress to repeal the Gun-Free Schools Act of 1994, P.L. 103-382.

"Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to United States Secretary of Education and to the Wyoming Congressional Delegation."

POM-91. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Labor and Human Resources.

"A LEGISLATIVE RESOLUTION

"Whereas, the people of Wyoming have benefited from the development of stronger and more accessible arts activity in every county of the state because of the assistance provided by the Wyoming Arts Council with support from the National Endowment for the Arts; and

"Whereas, NEA funding of \$601,300 in Fiscal Year 1994 combined with \$296,281 provided by the State helped generate \$12.3 million in cash from local Wyoming communities; and

"Whereas, the Fiscal Year 1994 audience for arts activities in Wyoming exceeded 1,135,000 citizens and tourists; and

"Whereas, beyond the intrinsic value of arts education, the teaching of art in the schools develops higher order thinking, creativity and problem solving in students or skills that carry over into all area of study; and

"Whereas, thousands of Wyoming school children of all ages benefit from quality arts activities assisted by NEA funding awarded through the Wyoming Arts Council; and

"Whereas, funding by the National Endowment for the Arts through the Wyoming Arts Council helps Wyoming artists gain regional and national attention; and

"Whereas, Direct National Endowment for the Arts funding assists some of Wyoming's major arts institutions who bring national and international attention to the state for their artistic achievements; and

"Whereas, National Endowment for the Arts funding in Wyoming and in other parts of the nation has enabled arts organizations to win matching support from private sources; and

"Whereas, all great nations support the arts knowing the arts are vital to a society's well-being and Congress in 1965 noted 'An advanced civilization must . . . give understanding of the past, a better analysis of the present, and a better view of the future.'; Now, therefore, be it

*Resolved,* that the 1995 Wyoming House of Representatives and the Wyoming Senate do hereby encourage the Congress of the United States of America to reauthorize continuation of the National Endowment for the Arts and its sister agencies, the National Endowment for the Humanities and the Institute for Museum Services, and to provide adequate funding to enable them to continue their leadership roles in our nation on behalf of our country's culture.

*It is further resolved,* that the Secretary of State or Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation."

POM-92. A resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

"RESOLUTIONS MEMORIALIZING CONGRESS TO PREVENT THE EROSION OF VETERANS' BENEFITS.

"Whereas, the veterans of the armed services of the United States have consistently risen above and beyond the call of duty to our Nation; and

"Whereas, in the selfless defense of democracy and the rights inherent in all men and women, the veterans of our Nation have made incalculable and unyielding sacrifices in the face of adversity and during the hardship of military conflict; and

"Whereas, the scars of war remain in the minds and bodies of those who have served our country bravely; and

"Whereas, the price of democracy and freedom is eternal vigilance and our Nation must always call and rely upon our armed services to preserve and expand these blessings; and

"Whereas, today, military personnel serve our Nation throughout the world in such places as Korea, the Middle East, Haiti and Somalia; and

"Whereas, there are those in our Nation presently who would propose to alter, modify

or diminish our solemn covenant to provide for the needs of those who perform military service on our behalf; and

"Whereas, the Congressional Budget Office, the Concord Coalition, the Bipartisan Commission on Entitlement and Tax Reform and the Office of Management and Budget have all recently advanced proposals before the Congress and the administration to reduce, restrict or eliminate those benefits provided to our veterans; and

"Whereas, this Nation owes a great debt to those men and women who have served and continue to serve on its behalf; Now, therefore, be it

*Resolved,* That the Massachusetts General Court expresses its grateful appreciation to those men and women who willingly gave their last ounce of devotion to their country to keep the light of freedom glowing for this and future generations and in furtherance of that appreciation the Massachusetts General Court urges the United States Congress to recognize the sacrifices of these men and women and to prevent the further erosion of those benefits provided to the veterans of our Armed Forces; and be it further

*Resolved,* That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the presiding officers of each branch of Congress and to the Members thereof from this Commonwealth."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" (Rept. No. 104-26).

By Mr. ROTH, from the Committee on Government Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs" (Rept. No. 104-27).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 384. A bill to require a report on United States support for Mexico during its debt crises, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1999.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 663. A bill to modernize the Federal Reserve System, to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COHEN:

S. 664. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 665. A bill to amend the Internal Revenue Code of 1986 to increase motor fuel taxes by 8 cents a gallon, the resulting revenues to be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges, and for other purposes; to the Committee on Finance.

S. 666. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

By Mr. BRYAN (for himself and Mr. SHELBY):

S. 667. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER:

S. 668. A bill to authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (by request):

S. 669. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself and Mr. PRYOR):

S. 670. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

By Mr. HATCH:

S. 671. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. MCCONNELL, and Mr. THOMAS):

S. 672. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for the reform of the civil justice system; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself, Mr. INOUE, Mr. DOMENICI, and Mr. STEVENS):

S. 673. A bill to establish a youth development grant program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself, Mr. DORGAN, Mr. KERRY, and Mr. MOYNIHAN):

S. 674. A bill entitled the "Rail Investment Act of 1995"; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON:

S. Res. 100. A resolution to proclaim April 5, 1995, as National 4-H Day, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 101. A resolution expressing the sense of the Senate in support of extending some of the benefits of enhanced economic relations enjoyed by the United States and Israel to those countries that sustain a "warm" peace with Israel; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. HELMS, and Mr. PELL):

S. Res. 102. A resolution to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. SIMON):

S. Con. Res. 10. A concurrent resolution expressing the sense of the Congress that the United States should take steps to improve economic relations between the United States and the countries of Eastern and Central Europe; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 663. A bill to modernize the Federal Reserve System, to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

##### THE FEDERAL RESERVE BOARD REFORM ACT OF 1995

Mr. DORGAN. Mr. President, today I rise to introduce a piece of legislation that I want to describe briefly for the Senate.

On my behalf, and on behalf of Senator REID from Nevada, we introduced this morning a piece of legislation called the Federal Reserve Reform Act of 1995.

Anyone who has listened to the debate in the Senate the last year understands that I have had major differences with the Federal Reserve Board and its policies. We all know that the Federal Reserve Board has raised interest rates seven times over the past year or so. And its decision to tighten the money supply has had an enormous impact on the economic well-being of this country. But despite its central role in our economy, the Federal Reserve still dwells only in the shadows of public debate.

This organization, located downtown in a concrete temple, meets in secret to make interest rate decisions that have an enormous impact on our economy. The Federal Reserve is the last dinosaur in what is supposed to be a democratic Government because it, behind closed doors, makes decisions that affect every single American family, with no democratic input or debate. So for seven times in the last year or so they have decided we have a major storm brewing called inflation, and therefore they should increase interest

rates in order to stem the tide of inflation.

Of course there is no credible evidence that inflation is on the horizon in any significant way. For the last 4 successive years, inflation has been declining. So what is the Federal Reserve Board doing? It is serving its constituency, the big money center banks, at the expense of American families.

But members of the Fed still meet in secret to make decisions that are critical to the lives of every American. Until recently, the Fed would not even disclose its monetary policy decisions to the public in a timely manner. Also, the Fed's entire budget is not published in the budget of the U.S. Government. And there are currently no formal channels established through which the Fed can coordinate its monetary policy goals with the fiscal policies of the President and Congress. Finally, regional Fed bank presidents, who are not accountable to the American people, are casting votes on interest rate decisions. In my judgment, these conditions are not what Congress intended when it created the Federal Reserve in the early 1900's.

My legislation would do the following to rectify these problems:

First, the President's top economic advisers would be required to meet three times a year with the Board of Governors of the Federal Reserve. This includes the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget.

Second, the President would be empowered to appoint a new Chairman of the Federal Reserve near the beginning of his term rather than toward the end. The Fed is crucial to the success of any economic policy and the President should have the opportunity to appoint a Chairman of the Fed near the beginning of the Presidential term.

Third, the Fed would be required to disclose immediately any changes in its targets for the money supply. This would provide all investors, large and small, with equal and timely information about monetary policy decisions. The provision merely codifies what the Federal Reserve is doing in recent practice.

Fourth, the Fed would be required to publish all of its budget in the budget of the U.S. Government. Only a small fraction of Federal Reserve budget is published in the Federal budget; the rest is published in a variety of Federal Reserve publications. The legislation requires that it all be published in one place for public review.

Fifth, the Comptroller General would be permitted to conduct more thorough audits of Fed operations, including policy procedures and processes. For many years the Fed was totally exempt from any such audits to uncover misdoing or waste. Today the General Accounting Office [GAO] is prohibited from auditing many of the Fed's operations, including actions on monetary policy and transactions made under the direction

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

of the current Federal Open Market Committee. This bill will remove many of these restrictions.

Sixth, only those members of the Board of Governors, who have been appointed by the President and confirmed by the Senate, will be permitted to vote on monetary policy matters. This will help take back the Nation's monetary policy from the heads of the money center bankers who are accountable only to their shareholders, and restore it to those Fed officials who are accountable to the general public, as the framers of the original Federal Reserve Act intended.

My legislation is not designed to politicize monetary policy or politicize the Federal Reserve Board. But, I do want the Federal Reserve Board to be more accountable to the American people.

If the Federal Reserve Board is a public agency—if it belongs ultimately to the people of this country—then the people ought to be able to know what is going on there, and all its voting members ought to answer to the American people.

I might say, as an aside, I am also thinking of introducing legislation that renames the Open Market Committee. My central thesis is if the Open Market Committee is going to be closed, then let us rename it the Closed Market Committee until such time as it is open. The American people deserve to know what goes on behind closed doors in the construct of monetary policy—policy, incidentally, that affects every single American family.

I know words do not always have specific meaning here in public policy and in politics, but they ought to. Why should we close the door and then call the committee that closes the door, in law, the Open Market Committee? Let us just call it the Closed Market Committee.

That is for another day. I do not include that recommendation in this legislation. But the Federal Reserve Reform Act of 1995 is something I am pleased to offer on behalf of myself and Senator REID from Nevada.

By Mr. COHEN:

S. 664. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPETITIVE CONSUMER ELECTRONICS  
AVAILABILITY ACT OF 1995

Mr. COHEN. Mr. President, all consumers like choice. When companies are allowed to compete and consumers are given more choices, products and services inevitably become more affordable and of higher quality. For this reason, the major thrust of the various telecommunications bills that have been offered this year is to create a more competitive environment for communications products and services. I support this goal.

Today, I am introducing legislation that is focused on one particular area of telecommunications that I believe truly needs more competition—cable television.

Less than 20 years ago, we had little choice as to where we could obtain our phones. Each of us rented a standard, ordinary phone from our local telephone company. This monopoly ended with the break-up of AT&T. Today, most people own their telephones, and the types of phones we can choose are endless. Callers, for example, can go to any number of local retailers to buy phones that are more sophisticated than those previously offered by the telephone company. Consumers now can purchase car phones, phones that are connected to an answering machine, or cellular phones. Moreover, today's phones are considerably cheaper than the rotary dial phones of the 1950's. Innovation, greater choice, and lower prices have been the result of intense competition in the telephone market.

Unfortunately, consumers today do not have the same choices with regard to the devices necessary to obtain cable television. Cable customers are in the same situation phone customers found themselves 20 years ago. Virtually all cable users get their cable set-top boxes and other hardware, which have security features, only from one source—the local cable company. There is no competition for these devices.

The bill I am introducing today would allow cable customers to buy their converter boxes and other communications access devices from their local retail stores. Cable users in Maine and elsewhere in the country would no longer be at the mercy of cable operators to get their cable boxes. They could buy or rent them from anyone they choose—just as they do currently with telephones.

This bill, which is identical to legislation already introduced in the House by Representative BLILEY, would require the Federal Communications Commission [FCC] to adopt regulations to ensure that converter boxes and other interface equipment could be sold commercially by non-cable operators. Cable users, of course, could still choose to rent boxes from their cable operator if they desired.

In the near future, the Senate will consider legislation designed to increase competition in all telecommunications markets. My bill would bring competition to a segment of the telecommunication market that desperately needs it. By allowing consumers to choose how they get their cable box, prices on the boxes and other interface equipment will likely drop, and manufacturers and retailers of converter boxes will become more innovative and responsive to the needs of consumers.

Cable companies argue that they need a monopoly over cable devices to protect against theft of cable program-

ing. I fully agree that cable operators should be able to protect their signals so that only paying customers get the benefit of their services. I do not, however, believe that a monopoly over the cable device market is necessary to achieve this purpose.

It should be noted that the phone companies once made the same argument. They argued that if phone customers were allowed to purchase phones from anyone other than the phone company, there would be widespread theft of phone services. This, however, has not turned out to be the case.

Likewise, I am confident that the sale of cable devices by non-cable businesses would not lead to the theft of cable programming.

Today's technology will allow cable operators to protect their signals without monopolizing the hardware and restricting consumers' ability to choose how they will get a box. Cable companies can prevent theft of their signals without controlling the distribution of converter boxes. For example, the Electronic Industries Association has developed a draft standard that would allow codes to be put on magnetic cards, similar to credit cards. This card, which could be used with a commercially sold box, would ensure that only those customers who have paid for services actually get them.

Under my legislation, the FCC would determine the rules—after significant public comment—that would promote competition in the cable device market while safeguarding against the theft of cable programming. My legislation gives the FCC significant discretion in meeting this goal, but requires them to make it a high priority.

Competition for converter boxes and other devices can only benefit consumers. As it did in the telephone market, competition will lead to innovation, greater choice, as well as lower prices for converter boxes.

By Mr. SIMON:

S. 665. A bill to amend the Internal Revenue Code of 1986 to increase motor fuel taxes by 8 cents a gallon, the resulting revenues to be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges, and for other purposes; to the Committee on Finance.

FUEL TAX LEGISLATION

● Mr. SIMON. Mr. President, today I am introducing a bill calling for an 8 cents a gallon tax increase on gasoline and diesel fuel.

Revenue gained from this tax would be used for mass transit, AMTRAK, and interstate, State, and local roads and bridges. As the administration and the Congress consider proposals to downsize the Federal Government and increase the responsibilities of State governments, returning some Federal taxes to States and cities would be a very sensible step.

We are all aware of the need for increases in transit and surface transportation investment. And returning revenue to State and local governments for infrastructure and capital improvement projects would help State and local governments, promote job creation and improve the Nation's economic well-being in general. This motor fuel tax increase would go a long way toward meeting this goal. An increase in public investment is long overdue, Mr. President. I urge my colleagues to support this legislation.●

By Mr. SIMON:

S. 666. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

THE EQUAL SURETY BOND OPPORTUNITY ACT OF 1995

Mr. SIMON. Mr. President, I am pleased to introduce the Equal Surety Bond Opportunity Act of 1995. This bill is designed to further equal opportunity for surety bond applicants and to equip bond applicants—particularly small business applicants—with information to help them to strengthen their businesses.

Construction firms must have surety bonds to bid on all Federal projects in excess of \$25,000 and all federally assisted projects in excess of \$100,000. In fact, bonding is now required for most State and local government construction projects and an increasing number of private construction projects. Clearly, access to surety bonding is essential to the livelihood of the majority of construction companies.

Surety bonds ensure that a contractor is capable of completing the specified work and has the financial ability to pay its bills on time. If the bonded contractor fails to complete the project, the surety firm steps in to fulfill the contract.

Furthermore, surety firms minimize their own risk by determining, before they issue a bond, whether the applicant is capable of completing the particular project in question. The principal source of bonds—for-profit corporate surety firms—use undisclosed underwriting standards to make this determination. Essentially, they assess an applicant's three C's—cash, capacity to do work, and character. But the personal character of a contractor may be evaluated in a very subjective manner, which can result in discrimination.

Although classified as a type of insurance, these bonds are really more like a line of credit. If a surety firm has to step in to fulfill the bonded company's obligation under a contract, it expects to be reimbursed. Unfortunately, as with other types of lines of credit such as mortgage financing, women and minority contractors face serious problems in obtaining surety bonds. Several studies of mortgage lending rates in Detroit, Atlanta, and

Washington, DC have revealed a significant race-related mortgage lending gap even after adjusting the data for legitimate business concerns. These studies were based in part on data that banks and other lending institutions are required to report to the Federal Government. Federal law does not require surety firms to report any similar data for applications received or granted.

I sponsored and held hearings on the Equal Surety Bond Opportunity Act in the 102d Congress. Witnesses at that hearing included representatives of the Women Construction Owners and Executives and the National Association of Minority Contractors who testified in support of the bill. According to these witnesses, bond applicants have been rejected simply for being a woman, or being a minority. Clearly, these are unacceptable reasons for rejecting a bond applicant.

The American Subcontractors Association also presented testimony at that hearing. They agreed that women and minority-owned construction companies face special problems in getting bonds, as do many small and emerging construction firms. They noted, however, that all of these companies would benefit if surety companies were required to give an explanation for rejecting a bond application. This would allow them to take corrective action for future applications.

By law, the U.S. Treasury Department maintains a list of federally approved surety firms authorized to issue bonds on Federal projects. My bill, which is modeled after the Equal Credit Opportunity Act, would make it unlawful for a Treasury-approved surety to discriminate against applicants based on race, color, religion, national origin, sex, marital status, or age. Simply put, the bill makes it clear that the three C's cannot be determined by reference to an applicant's race, color, religion, national origin, sex, or marital status.

The bill would also require Treasury-approved firms to provide denied applicants, upon request, full written disclosure of the reasons for their denial. A written explanation will give all construction firms the opportunity to take appropriate corrective action—an opportunity now available to all prospective Federal small business contractors when denied by an agency contracting officer. The written explanation would also help curb denials of bonding based on nonlegitimate reasons.

Again, the legislation will benefit all construction firms. It does not dictate underwriting standards for the surety industry. It does not require sureties to report data on applications received or bonds written. Nor does it inflict onerous regulations on the industry. But it will give businesses the information they need to improve their businesses. Moreover, the bill will ensure that surety firms comply with the same non-discrimination laws that apply to banks and other lending institutions. If a surety firm is in compliance with

these laws, it has nothing to fear from this legislation.

Mr. President, I urge my colleagues to support this very simple, but important legislation.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD.

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

S. 666

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Equal Surety Bond Opportunity Act of 1995".

**SEC. 2. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.**

(a) IN GENERAL.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of title 31, United States Code, or provide any surety bond pursuant to such section unless the company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) REQUIREMENTS RELATING TO ENFORCEABILITY.—

(1) SIGNED STATEMENT OF COMPLIANCE WITH APPLICATION.—Section 9305(a) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a statement of compliance with section 9310, which is signed under penalty of perjury by the president and the secretary of the corporation."

(2) COMPLIANCE AS A CONDITION FOR APPROVAL OF APPLICATION.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the corporation is in full compliance with section 9310."

(3) SIGNED STATEMENT OF COMPLIANCE WITH QUARTERLY REPORTS.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) ENFORCEMENT AUTHORITY OF SECRETARY OF THE TREASURY.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304."

(5) REVOCATION FOR FAILURE TO PAY CERTAIN JUDGMENTS.—Section 9305(e) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

**SEC. 3. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.**

(a) IN GENERAL.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

**"SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.**

"(a) REASONS FOR ADVERSE ACTION; PROCEDURE APPLICABLE.—

"(1) NOTICE REQUIRED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any surety approved under section 9304 shall notify an applicant for a bid bond, payment bond, or performance bond of its action on a completed application not later than 10 days after receipt of the application.

"(B) EXTENSION.—The notification required by subparagraph (A) may be furnished not later than 20 days after receipt of the application, if the surety has not issued a bond to the applicant in the 12-month period preceding the date of receipt of the application.

"(2) STATEMENT OF REASONS.—

"(A) IN GENERAL.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) ACCEPTABLE FORMS OF STATEMENT.—A surety satisfies the requirements of subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a written request made by the applicant not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) ORAL STATEMENT PERMITTED.—A required statement of reasons for adverse action may be given orally if written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon the applicant's written request.

"(3) SPECIFICITY OF REASONS.—A statement of reasons meets the requirements of this section only if it contains specific reasons for the adverse action taken.

"(4) APPLICABILITY IN CASE OF THIRD PARTY APPLICATIONS.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) APPLICABILITY IN CASE OF SURETIES WHICH ACCEPT FEW APPLICATIONS.—The requirements of paragraphs (2), (3), and (4) may be satisfied by oral statements or notifications in the case of any surety which acted on not more than 100 applications during the calendar year in which the adverse action is taken.

"(b) NONDISCRIMINATION.—

"(1) ACTIVITIES.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) ADDITIONAL ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It is not a violation of this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program."

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit."

**SEC. 4. CIVIL PENALTIES.**

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following: "(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following:

"(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting after subsection (a) (as designated by paragraph (1)) the following new subsection:

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the applicant for—

"(1) any actual damage sustained by such applicant (individually or as a member of a class); and

"(2) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court."

**SEC. 5. REGULATIONS.**

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this Act not later than 270 days after the date of the enactment of this Act. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

**SEC. 6. EFFECTIVE DATE.**

The amendments made by this Act shall become effective on the earlier of—

(1) the effective date of final regulations promulgated pursuant to section 5; or

(2) the end of the 1-year period beginning on the date of enactment of this Act.

By Mr. BRYAN (for himself and Mr. SHELBY):

S. 667. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

THE SECURITIES ENFORCEMENT ACT OF 1995

• Mr. BRYAN. Mr. President, today Senator SHELBY and I are introducing the Private Securities Enforcement Improvement Act of 1995 to improve the Federal securities litigation process. I believe our legislation provides a balance between protecting the rights of defrauded investors and providing relief to honest companies who may find themselves the target of a frivolous lawsuit.

I have serious concerns that in a rush to judgment Congress may err too far and end up curtailing suits that have merit and thus undermine the American public's confidence in the integrity of our financial markets. There is no greater harm Congress could do to the capital markets.

The issue of securities litigation reform came to my attention several years ago when a constituent was defrauded in a real estate limited partnership. On numerous occasions he raised concerns over the time periods individuals had to file securities lawsuits. Little could he have known that

a short while later the Supreme Court would rule in the *Lampf* case that the statute of limitations in a major section of securities law would be shortened to 1 year after discovery or 3 years after the fraud actually took place—whichever came first.

I do not believe the Court felt this was the appropriate amount of time to uncover financial fraud but was all they could provide in a strict interpretation of the statute. To make matters worse, the Court applied the shortened time period retroactively, thereby imperiling hundreds of legitimate fraud cases—many of which were in the midst of years of litigation.

In 1992, we were successful in fixing the retroactive cases by applying the statute of limitations that was applicable when the cases were filed. Unfortunately, we were not able to fix the standard prospectively.

The legislation we are introducing today would help rectify this problem by establishing a statute of limitations of 2 years after discovering the fraud or 5 years after the fraud took place. I find it hard to believe reasonable people could object to such a timetable. Our experience with financial crooks like Charlie Keating have demonstrated how easy it is to conceal financial crimes. You would be hard pressed to find anyone who thinks that financial crimes are on the decline. In fact, the evidence shows financial crimes are escalating.

This legislation is designed to improve private securities litigation in a number of ways: eliminating certain abusive litigation practices; deterring and providing sanctions against the filing of meritless cases; instituting procedural reforms to screen out weak cases nearly in the judicial process and enhancing the detection of financial fraud.

These measures are carefully crafted so as not to discourage meritorious suits yet attack several areas of potential abuse. As Securities and Exchange Chairman Arthur Levitt recently noted that "[p]rivate securities litigation plays a prominent role in checking the market excesses. To change that, we would need to recalibrate our entire system checks and balances."

The fundamental purpose of Federal securities laws is to provide investor protection and thereby foster investor confidence and encourage the investment necessary for capital formation, economic growth and job creation. Our system of private litigation under the Federal securities laws has functioned effectively as a necessary and essential supplement to the enforcement program of the Securities and Exchange Commission.

The provisions of this bill should ensure that defrauded investors can recover their damages, that criminals are brought to justice, and that corporations are protected from unwarranted litigation in a system that is quicker, less costly and more fair to all concerned.

Mr. President, I look forward to passing legislation that will correct some of the abuses present in the current securities litigation system and address the issues raised by Supreme Court rulings in legislation that President Clinton can sign. •

By Mr. WARNER:

S. 668. A bill to authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY ACT OF 1995

• Mr. WARNER. Mr. President, I introduce legislation today to establish the National Capital Region Interstate Transportation Authority.

This Authority, representing Virginia, Maryland, and the District of Columbia, will serve the region's need to focus attention and to build a partnership between the Federal Government, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, local governments, and other interested persons to move forward with a new Potomac River crossing on the Capital Beltway at the Woodrow Wilson Memorial Bridge.

This legislation will establish one entity to devote its full time and attention to facilitating the construction of a replacement bridge, or bridge and tunnel project, for the aging Woodrow Wilson Memorial Bridge.

Mr. President, State and local governments have long recognized the importance of the Woodrow Wilson Bridge to the region's economic vitality and its critical link to providing efficient interstate travel from Maine to Florida.

The Congress also recognized the needs of this facility and its relationship to the efficient movement of people and commerce in the region during the development of the Intermodal Surface Transportation Efficiency Act of 1991. That legislation established the Interstate Transportation Study Commission and charged the Commission with the responsibility of recommending "new mechanisms, authority, and/or agreements to fund, develop, and manage the transportation system of the National Capital Region, primarily focusing on the interstate highway and bridge systems."

The 13 members of the Commission extensively examined the existing transportation needs of the National Capital region and concluded that the immediate demand was to focus attention on examining every option to provide for a new Potomac River crossing at the Woodrow Wilson Bridge. To accomplish this, the Commission recommended the creation of a new interstate authority to assume ownership and responsibilities of the bridge and to move forward with the financing of a new facility as recommended by the Woodrow Wilson Bridge Coordination Committee and approved by the Na-

tional Capital Region Transportation Planning Board.

The Woodrow Wilson Bridge Coordination Committee is a working partnership to identify options for the future of the bridge and to develop a consensus plan on fixing or replacing the deteriorating Woodrow Wilson Bridge. The Coordination Committee is following an open participatory process to examine alternatives to improve this vital crossing and is scheduled to identify a preferred alternative, complete an environmental impact statement and issue a record of decision by mid-1996.

It is not my intention for the Authority established by this legislation to interfere with or disrupt this valuable ongoing work. The Authority will provide the next critical step in these tight fiscal times—a financing mechanism—which will provide the means necessary to finance, operate, and maintain a new river crossing.

It is important for my colleagues to remember that the Federal Government constructed the Woodrow Wilson Bridge in 1954 and remains responsible for the needs of the existing facility and the financing, planning, and design work required for a new facility.

Today the Woodrow Wilson Memorial Bridge is the only segment of the 44,000 mile Interstate System that is owned by the Federal Government. The bridge was designed 40 years ago to carry 75,000 vehicles per day, with 10 percent of the traffic consisting of heavy trucks. Today, the bridge carries 165,000 vehicles per day, and 11 percent of the volume is truck traffic. This facility is the only drawbridge on the regional interstate network, the only piece of the region's eight-lane Capital Beltway that is limited to six lanes, and the only segment of the Capital Beltway with a remaining lifespan of less than 10 years.

Recent studies by the Federal Highway Administration confirm that annual repairs to the existing bridge fail to extend the use life of the facility and are no longer cost effective. Safety experts for the Federal Highway Administration advise me that unless a new facility is constructed within the next 9 years, the Department may be required to enforce truck size and weight restrictions on this segment of the Capital Beltway.

Mr. President, the solution is clear. The Woodrow Wilson Bridge, a critical line in the region's transportation network and a vital link in our Nation's intermodal transportation system, needs to be rebuilt with the capacity to handle the significant demands being placed upon it every day. The National Capital Region Interstate Transportation Authority is the first step in addressing a problem that has gone unresolved for far too long.

Recent census data reveals that half of all workers in this region live and work in different jurisdictions and one-third live and work in different States.

The National Capital Region Transportation Planning Board forecasts that between 1990 and 2020 the volume of traffic in our region will increase by more than 70 percent, while the current planned highway capacity will expand by only 20 percent. Between now and 2020, our traffic volume could triple during the heaviest part of the evening rush hour.

Traffic congestion translates into wasted productivity and dollars. A recent study by the Texas Transportation Institute found that in 1987 traffic congestion in the Metropolitan Washington area cost each of an estimated \$570 a year in lost time and wasted fuel. Today, it is estimated that our traffic congestion is costing each of us at least \$1,000 per year. This is a cost both to residents and to the region's business community.

Because of the gridlock that occurs on our region's roadways during the morning and evening rush hours, our residents are not resistant to using public transit. Indeed, we currently have the highest percentage of high-occupancy vehicle [HOV] users in the Nation are tied for second place with Chicago for the highest percentage of mass transit users. While I fully support expanding public transportation options and building upon our HOV road network, these efforts alone will not solve our region's problems with inadequate highways and bridges.

The National Capital Region Interstate Transportation Authority will enhance the ability of the system to meet expanding economic growth and help our Nation's Capital thrive in the increasingly competitive global marketplace. Almost 85 percent of the Nation's freight travels at least part of its journey over a highway. As American companies rely more and more on just-in-time-delivery to get raw materials to manufacturing facilities, and American wholesalers and retailers count on rapid delivery to keep their inventories lean, the economic importance of an efficient national transportation infrastructure is actually growing.

Mr. President, I look forward to working with my colleagues and the Commonwealth of Virginia, the State of Maryland, and the District of Columbia as we advance this legislation. ●

By Mr. GLENN (by request):

S. 669. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL ACQUISITION IMPROVEMENT ACT  
OF 1995

Mr. GLENN. Mr. President, I rise today to introduce a bill, the Federal Acquisition Improvement Act, by request of the administration. I am glad to do it, because this bill represents the next step of reforming the way Government buys its goods and services.

Last year, the Congress passed the Federal Acquisition Streamlining Act, better known as FASA. That was the

first major piece of procurement reform legislation in over 10 years. The passage of the act constituted a critical victory in the war against Government inefficiency and one of the most significant accomplishments of the Governmental Affairs Committee during the 103d Congress.

FASA is a comprehensive Governmentwide procurement reform effort aimed at streamlining the acquisition process by reducing paperwork burdens through revision and consolidation of acquisition statutes to eliminate redundancy, provide consistency and facilitate implementation.

The law is the culmination of years of legislative and oversight effort led by the Governmental Affairs Committee, in conjunction with the Armed Services and Small Business Committees of both the Senate and the House, to make sense out of the complex process of supplying the Federal Government with the goods and services it needs just to operate.

Figuring significantly also were recommendations of the Vice President's National Performance Review regarding increased reliance on acquisitions of commercial items and increased simplified acquisition threshold of \$100,000, and other recommendations mirroring those in the report of the advisory panel on streamlining and codifying acquisition laws pursuant to section 800 of the National Defense Authorization Act for fiscal year 1991. That was the so-called 800 panel.

Mr. President, this really was a culmination of a number of different activities that came together to pass the legislation last year. We had been working in the Governmental Affairs Committee on this problem of streamlining acquisition, making it more efficient for all of Government, not just the armed services.

At the same time, the Armed Services Committee, of which I am also a member, asked the Pentagon to do a study of their own procurement practices, and that was done with what became known as the 800 panel.

Then, when the new administration was elected, the Vice President headed up the National Performance Review. And it, once again, got into areas of procurement reform. So we all combined our efforts, and that culminated then in passage last year of FASA.

That was quite an accomplishment. As if that were not enough, I am pleased today to be a sponsor of a bill which I hope will mark the beginning of serious Senate efforts in the 104th Congress to make even further reforms to our procurement system.

People in the agencies and industry have already begun to refer to this new set of proposed reforms as FASA 2, but its actual title is the Federal Acquisition Improvement Act. I think that is symbolic of what the administration is trying to do. Yes, this is a further streamlining effort, but the administration is also trying to improve on

and refine the endeavor which began last year with the passage of FASA.

I believe this bill is a good starting point for this second round of reforms, and we are definitely headed in the right direction for this venture.

It appears that the administration is trying to finish what it started last year with FASA, as well as pursuing some bold new objectives with this bill, and I want to commend them personally for that.

For instance, one theme in the bill appears to be furthering the work begun in FASA of attempting to bring the Government more in line with the commercial world exemplified by provisions clarifying the definition of commercial services and shortening the time it takes to complete a procurement. That is a major item.

Consistent with this theme is the desire expressed in this bill to further streamline the award process, something also begun in FASA. Significant provisions we will be watching in this realm involve the lowering of agency approval levels and delegation of authorities for using noncompetitive procedures; limiting competitive range determinations to as few as the three highest-ranked offerors; and the authorization of two-phase selection procedures for certain information technology in design-build contracts.

The administration has also begun to tackle the controversial, highly charged issue of reform of the protest system by attempting to streamline it and reduce the number of protests filed. Included are provisions on making statutory and consistent the standards of review used for development and evaluation of the protest record; preaward debriefings for unsuccessful offerors; and consolidation of the judicial protest forum. I will be watching suggestions in this area with particular interest, especially since I know that the proposals in this area do not begin and end with those made in this bill.

There are also some very beneficial concepts in this bill related to ethics; recoupment of fees paid to the U.S. Government on foreign sales of military products and technologies developed under Government contracts; FACNET, the newly established electronic commerce system created under FASA for procurements under the simplified acquisition threshold; and more pilot programs to test out new and different concepts.

This list barely scratches the surface, and it is easy to see that the administration is attacking some tough and very diverse issues with this bill. We will be scrutinizing each and every one of these provisions for their wisdom and for their prudence.

As I said, at this juncture I may not support every single provision of this bill. Most of the proposals I am sure I will support. Others I support the concept behind but feel the language may need some work and will be glad to do that. There are also ideas in the bill with which I may disagree altogether,

and I am sure we count on being blessed with new ideas as we go along. In general, though, I think we are headed in the right direction with this new bill, and I am very glad to be submitting it on behalf of the administration.

The bill is being introduced today and the legislative process can begin to work and we can begin to consider opinions from all interested parties on each provision so that we can put forth the best possible measure for the President's signature. I know that the General Accounting Office, GAO, and others, have testified before the House Government Reform and Oversight Committee offering many valuable suggestions along this line. I look forward to engaging in that process again, as I did last year.

Mr. President, I want to reiterate that I believe the administration's bill is a very good place to start working on the next round of reforms to streamline our procurement system. We have a challenge ahead of us to flesh out this bill, but I am excited that the administration continues to focus attention in this area.

By Mr. GLENN (for himself and Mr. PRYOR):

S. 670. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; to the Committee on Finance.

#### TAXPAYER BROWSING PROTECTION ACT

Mr. GLENN. Mr. President, this bill is entitled the Taxpayer Browsing Protection Act. We have a problem. Criminal penalties and sanctions do currently apply when IRS employees look at taxpayer returns that they are not authorized to do for work purposes and willfully disclose that information to third parties. However, there is a nebulous loophole for when IRS employees engage in such browsing for their own curious interests but do not disclose that information to others.

The bill that we are submitting here today is based on recommendations by the IRS and the Department of Justice, which began looking at this issue following hearings last year which publicly disclosed this activity. This bill would provide in the Internal Revenue Code that unauthorized inspection of returns or return information is an offense punishable by a fine not to exceed \$1,000, or imprisonment of not more than 1-year, or both, together with costs of prosecution.

If the offense is committed by an officer or employee of the United States, they are immediately fired upon conviction.

Third, it will clarify that the unauthorized inspection, as well as the unauthorized disclosure, of returns or return information is a violation of the code's confidentiality provisions for returns and return information.

Mr. President, this bill addresses something that came out in our hearings last year where we found that

some employees were just browsing through accounts on which they were not doing work. They were just curious about what was in the accounts. We had some that actually got into accounts and changed some of the figures in there and received kickbacks for what they were doing. Some of those people are already in jail now. So that area is covered.

We want to tighten this up, and the IRS very much favors this. Commissioner Margaret Richardson said this morning at our hearing that she does favor this, and we worked with her on this. She feels it covers a loophole in the legislation that needs to be covered. I am glad to submit it and help close that loophole so that we will make it absolutely unequivocally illegal for IRS employees to be browsing through other people's accounts, whether for voyeuristic reasons, or just plain curiosity, or whatever the motives are. But people should expect that when they file their tax returns and that information is in the internal revenue system, those returns are confidential and will be worked on only by people that are dealing with business matters on their accounts and nothing more. That is what this legislation does. I hope we can have support on it after it has been through the committee process.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. PRYOR. Mr. President, I am very proud that I was here at the moment when Senator GLENN was introducing his two proposals, especially the proposal on browsing by the Internal Revenue Service.

It has been my pleasure to have served as the chairman of the Finance Committee's Committee on Oversight of the Internal Revenue Service for a period of years. During that period of time, I might say that the committee in the House and the Senate, in their wisdom, did in fact adopt the 1988 Taxpayers Bill of Rights. The Taxpayer's Bill of Rights was the very first piece of legislation ever in the history of this Republic, or in the history of the Internal Revenue Service, to spell out the specific powers of the individual taxpayer.

We have now introduced something we call T-2, Mr. President, which is the taxpayers Bill of Rights II.

This legislation goes even several steps further in the protection of the rights afforded to the individual taxpayer in this country.

Senator GLENN's proposal is an answer to, and is a direct result of, testimony which was unearthed and information which has been gathered by Senator GLENN's committee, his very competent staff, on the issues and the alarming fact that, in the past—and maybe even in the present—certain overzealous Internal Revenue Service employees have taken the liberty to abuse the system by looking at individual taxpayer records and accounts and sharing those facts with other individ-

uals. I think what Senator GLENN is doing today is a true service. I stand behind him all the way, and I hope that the Senator will put me down as an original cosponsor.

Mr. GLENN. I will be glad to do so. If the Senator will yield for a moment, Mr. President. To put this in a broader context, the Senator from Arkansas, Senator PRYOR, is the one who on our Governmental Affairs Committee took the lead in putting together the Taxpayer Bill of Rights. It has served us well and the taxpayers of this country should be glad for what he did. I am sure they are, whether they realize they are in his debt or not. What I have done here is expand a little on his efforts. To put it in an even larger context, we are coming into a time with the information age, the information flow, time period in history that replaces the agriculture revolution, the industrial revolution. Now we are into the information revolution. Along with that is going the computerization of all of the taxpayer records that formerly were all in on a piece of paper in the file. They were not as accessible as they are now to computers and hackers and other people.

One of our biggest problems in keeping confidentiality is making sure that as we move into the taxpayer system modernization program, the TSM Program, a very expensive modernization program—and it will be another 3 or 4 years before completion—that will completely modernize the IRS. We need protections like this and like the protections the Senator from Arkansas put the initiative on in putting it together. So he is to be complimented for his efforts in times past on this. As he said, he has T-2, the Taxpayer Bill of Rights II, which is being prepared.

This bill I put in today is one that covers one loophole that we had discerned was there and which the IRS agreed we should close, and we are glad the Senator from Arkansas is a cosponsor because he did a lot of the original work and deserves a lot of the credit for it.

By Mr. HATCH:

S. 671. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

#### THE MULTIPLE PUNITIVE DAMAGES FAIRNESS ACT

Mr. HATCH. Mr. President, I rise today to introduce legislation which will at last deal with one aspect of one of the most serious problems facing our civil justice system today—out of control punitive damage awards.

Punitive damages constitute punishment and an effort to deter future egregious misconduct. Punitive damages are not awarded to make whole the victim of wrongdoing. Punitive damages reform is not about shielding wrongdoers from liability, nor does such reform prevent victims of wrongdoing

from being rightfully compensated for their damages.

Safeguards are needed to protect against abuse in the award of punitive damages. In a 1994 opinion authored by Justice Stevens, the Supreme Court noted, "Punitive damages pose an acute danger of arbitrary deprivation of property." [*Honda Motor Co. v. Oberg*, 114 S. Ct. 2331, 2340]

One particular problem is multiple awards of punitive damages. While I do not argue that a person or company that acts maliciously should not be subject to punitive damages, it is neither just nor fair for the repeated imposition of punitive damages in several States for the same act or conduct, as our system currently permits. Moreover, exorbitant and out-of-control punitive damage awards have the effect of punishing innocent people as well: employees, other consumers and shareholders.

This is not a hypothetical problem. This past September, for example, a State court let stand a multimillion dollar punitive damage award against an automobile distributor who failed to inform a buyer that his new vehicle had been refinished to cure superficial paint damage.

The victim, a purchaser of a \$40,000 BMW automobile, learned 9 months after his purchase that his vehicle might have been partially refinished. As a result of the discovery, he sued the automobile dealer, the North American distributor, and the manufacturer, for fraud and breach of contract. He also sought an award for punitive damages. He won and hit the jackpot.

At trial, the jury was allowed to assess damages for each of the partially refinished vehicles that had been sold throughout the United States over a period of 10 years. As sought by the plaintiff's attorney, the jury returned a verdict of \$4,000 in compensatory damages and \$4 million in punitive damages.

On appeal to the State supreme court, the punitive damage award was reduced to \$2 million, applicable to the North American distributor. The U.S. Supreme Court has accepted this case for review of the constitutionality of the \$2 million punitive damage award.

I should note that this same defendant can be sued again and again for punitive damages by every owner of a partially refinished vehicle. In fact, according to defense counsel, the same plaintiff's attorney has filed 24 other similar lawsuits.

Defendant and consumers are not the only ones hurt by excessive, multiple punitive damage awards. Ironically, other victims can be those the system supposedly is intended to benefit, the injured parties themselves. Funds that might otherwise be available to compensate later victims can be wiped out at any early stage by excessive punitive damage awards.

The imposition of multiple punitive damage awards in different States for

the same act is an issue that can only be addressed through Federal legislation. If only one State limits such awards, other States still remain free to impose multiple punitive damages. Accordingly, a Federal response is necessary.

Mr. President, I hope Senators will join me in supporting this initiative.

By Mr. HATCH (for himself, Mr. MCCONNELL, and Mr. THOMAS):

S. 672. A bill to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages, and for the reform of the civil justice system; to the Committee on the Judiciary.

#### THE CIVIL JUSTICE FAIRNESS ACT

Mr. HATCH. Mr. President, one of the few things on which most Americans can agree today is the need for reform of our civil justice system. In plain English, which is itself something too often absent from our courthouses and law offices, America's civil justice system has gotten out of control.

In too many cases, the system fails to deliver justice to the parties. For most Americans, rich or poor, private citizen, small business person, or major corporation, the prospect of going to court, regardless of the merits of the case, is about as welcome as root canal work or an IRS audit.

The litany of problems is no secret; they include excessive legal fees and costs, dilatory and sometimes abusive litigation practices, the increasing use of junk science as evidence, a veritable tidal wave of frivolous lawsuits by prison inmates, and a risk of unduly large punitive damage awards.

The problems with our current civil justice system have resulted in several perverse effects. First, all too often the system fails to accomplish its most important function—to compensate adequately deserving plaintiffs. Second, it imposes unnecessarily high litigation costs on all parties—costs that are passed along to consumers, to each and every American, in the form of higher prices for products and services we buy—costs that ultimately harm our Nation's business competitiveness in the increasingly global economy.

It's time Congress faced up to the problem and enacted meaningful legislation reforming our civil justice system, to eliminate its abuses and procedural problems and to restore to the American people a civil justice system deserving of their trust, confidence, and support. To achieve this goal, I am today introducing the Civil Justice Fairness Act, along with Senators MCCONNELL and THOMAS.

I would like to review the major provisions of this legislation and to explain how they would correct some of the more serious problems in our present civil justice system.

This legislation would address the problem of multiple punitive damage awards. We all know that punitive damage awards are out of control in this country. The imposition of mul-

tiply punitive damages for the same wrongful act in particular, raises great concern about the fairness of punitive damages and their ability to serve the purposes of punishment and deterrence for which they are intended.

This past September, for example, a State court let stand a multi-million-dollar punitive damage award against an automobile distributor who failed to inform a buyer that his new vehicle had been refinished to cure superficial paint damage. The jury was allowed to assess damages for each of the nearly 1,000 other vehicles that had been sold throughout the United States.

Conceivably, the company can still be sued for punitive damages in every other State where it sold one of its vehicles for the same act.

Moreover, multiple punitive damage awards can hurt injured parties. Funds that would otherwise be available to compensate later victims can be wiped out at any early stage by excessive punitive damage awards. A Federal response is critical: if only one State limits such awards, other States still remain free to impose multiple punitive damages. Accordingly, my bill limits these multiple punitive damage awards.

My legislation also addresses abuses of punitive damages litigation. It includes a heightened standard of proof to ensure that punitive damages are awarded only if there is clear and convincing evidence that the harm suffered was the result of conduct either specifically intended to cause that harm, or carried out with conscious, flagrant indifference to the rights or the safety of the claimant.

This bill also provides that punitive damages may not be awarded against the seller of a drug or medical device that received pre-market approval from the Food and Drug Administration.

Additionally, this legislation would allow a bifurcated trial, at the defendant's request, on the issue of punitive damages and limits the amount of the award to either \$250,000 or three times the economic damages suffered by the claimant, whichever is greater.

This legislation would also limit a defendant's joint liability for non-economic damages. In any civil case for personal injury, wrongful death, or based upon the principles of comparative fault, a defendant's liability for non-economic loss shall be severable only and shall not be joint. The trier of fact will determine the proportional liability of each person, whether or not a party to the action, and enter separate judgments against each defendant.

Another provision of this bill would shift costs and attorneys fees in circumstances in which a party has rejected a settlement offer, forcing the litigation to proceed, and then obtained a less favorable judgment. This provision encourages parties to act reasonably, rather than pursue lengthy and costly litigation. It allows a plaintiff or a defendant to be compensated

for their reasonable attorneys fees and costs from the point the other party rejects a reasonable settlement offer.

Another reform included in this legislation is a provision aimed at abusive litigation practices. This bill restores earlier provisions of rule 11 of the Federal Rules of Civil Procedure, to make sanctions for abusive litigation practices mandatory, and to require attorneys to make reasonable inquiries into the factual allegations before they file a pleading in court. This bill also eliminates the so-called safe harbor rule that allows an offending party to withdraw his offending pleading and clarifies that sanctions would also serve to compensate a prevailing party under rule 11.

Another problem in our civil justice system that has been widely reported is abuse in contingency fee cases. This bill encourages attorneys to disclose fully to clients the hours worked and fees paid in all contingency fee cases. The bill calls upon the Attorney General to draft model State legislation requiring such disclosure to clients. It also requires the Attorney General to study possible abuses in the area of contingency fees and, where such abuses are found, to draft model State legislation specifically addressing those problems.

This legislation restricts the use of so-called "junk science" in the courtroom. This long overdue reform will improve the reliability of expert scientific evidence and permit juries to consider only scientific evidence that is objectively reliable.

This legislation also includes a provision for health care liability reform. It limits, in any health care liability action, the maximum amount of non-economic damages that may be awarded to a claimant to \$250,000. This limit would apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought. To avoid prejudice to any parties, the jury would not be informed about the limitations on noneconomic damages.

This legislation would also establish a reasonable, uniform statute of limitations for the bringing of health care liability actions.

Further, if damages for losses incurred after the date of judgment exceed \$100,000, the court shall allow the parties to have 60 days in which to negotiate an agreement providing for the payment of such damages in a lump sum, periodic payments, or a combination of both. If no agreement is reached, a defendant may elect to pay the damages on a periodic basis. Periodic payments for future damages would terminate in the event of the claimant's return to work, or upon the claimant's death. There is an exception for the portion of such payments allocable to future earnings, which shall be paid to any individual to whom the claimant owed a duty of support immediately prior to death, to the extent re-

quired by law at the time of the claimant's death.

This legislation also allows States the freedom to experiment with alternative patient compensation systems based upon no-fault principles. The Secretary of Health and Human Services would award grants based on applications by interested States according to enumerated criteria and subject to enumerated reporting requirements. Persons or entities participating in such experimental systems may obtain from the Secretary a waiver from the provisions of this legislation for the duration of the experiment. The Secretary would collect information regarding these experiments and submit an annual report to Congress, including an assessment of the feasibility of implementing no-fault systems, and legislative recommendations, if any.

Our court system, at both the Federal and State level, is facing an ever-mounting tide of lawsuits, many totally frivolous, filed by prison inmates. This bill improves the ability of our courts to dismiss nonmeritorious in forma pauperis claims and requires the exhaustion of available administrative remedies in prisoner civil rights cases before a lawsuit is filed in court. Also, the bill requires that inmates bear at least some of the cost of initiating litigation, by enabling the courts to require the payment of at least a partial fee, or the payment of court fees in installments where the inmate cannot afford the entire fee.

Mr. President, I ask for unanimous consent that a section-by-section description of the bill be printed in the RECORD.

I urge my colleagues to take a serious look at these problems within our civil justice system. I believe this bill addresses these issues in a common sense way, and I hope my colleagues will join me in sponsoring this legislation.

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

SECTION-BY-SECTION DESCRIPTION OF THE  
CIVIL JUSTICE FAIRNESS ACT  
TITLE I—PUNITIVE DAMAGES REFORM

Sec. 101: Definitions. This section defines various terms and phrases used in Title I of the bill.

Sec. 102: Multiple Punitive Damages Fairness. This section generally prohibits the award of multiple punitive damages. With one exception, it prevents courts from awarding punitive damages based on the same act or course of conduct for which punitive damages have already been awarded against the same defendant. Under the exception, an additional award of punitive damages may be permitted if the court determines in a pretrial hearing that the claimant will offer new and substantial evidence of previously undiscovered, additional wrongful behavior on the part of the defendant, other than injury to the claimant. In those circumstances, the court must make specific findings of fact to support the award, must reduce the amount of punitive damages awarded by the amounts of prior punitive damages based on the same acts, and may not disclose to the jury the court's determination and action under the section. This

section would not apply to any action brought under a federal or state statute that specifically mandates the amount of punitive damages to be awarded.

Sec. 103: Uniform Standards for Award of Punitive Damages. This section sets the following uniform standards for the award of punitive damages in any State or Federal Court action: (1) In general, punitive damages may be awarded only if the claimant establishes by clear and convincing evidence that the conduct causing the harm was either specifically intended to cause harm or carried out with conscious, flagrant indifference to the rights or the safety of other persons. (2) Punitive damages may not be awarded in the absence of an award of compensatory damages exceeding nominal damages. (3) Punitive damages may not be awarded against a manufacturer or product seller of a drug or medical device which was the subject of pre-market approval by the food and Drug Administration (FDA). This FDA exemption is not applicable where a party has withheld or misrepresented relevant information to the FDA. (4) Punitive damages may not be pleaded in a complaint. Instead, a party must establish at a pre-trial hearing that it has a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages, and may then amend the pleading to include a prayer for relief seeking punitive damages. (5) At the defendant's request, the trier of fact shall consider in separate proceedings whether punitive damages are warranted and, if so, the amount of such damages. If a defendant requests bifurcated proceedings, evidence relevant only to the claim for punitive damages may not be introduced in the proceeding on compensatory damages. Evidence of the defendant's profits from his misconduct, if any, is admissible, but evidence of the defendant's overall wealth is inadmissible in the proceeding on punitive damages. (6) In any civil action where the plaintiff seeks punitive damages under this title, the amount awarded shall not exceed three times the economic damages or \$250,000, whichever is greater. This provision shall be applied by the court and shall not be disclosed to the jury. (7) This section applies to all civil actions in which a trial has not commenced before the effective date of this Act.

Sec. 104: Effect on Other Law. This section specifies that certain state and federal laws are not superseded or affected by this legislation. Choice-of-law and forum nonconveniens rules are similarly unaffected.

TITLE II—SEVERAL LIABILITY

Sec. 201: Several Liability for Non-economic Loss. This section limits a defendant's joint liability for non-economic damages. In any civil action for personal injury, wrongful death, or based upon principles of comparative fault, a defendant's liability for noneconomic loss shall be several only and shall not be joint. The trier of fact will determine the proportional liability of each person, whether or not such person is a party to the action, and enter separate judgments against each defendant.

TITLE III—CIVIL PROCEDURAL REFORM

Sec. 301: Sanctions for Abusive Litigation Practices. This section restores key provisions to Federal Rule of Civil Procedure 11. It requires a party to conduct a reasonable pre-filing inquiry into allegations and factual assertions contained in a pleading or motion, and makes the issuance of sanctions for frivolous or abusive tactics mandatory rather than permissive. It also gives the courts wider latitude to impose sanctions on attorneys for filing abusive pleadings by eliminating the so-called "safe harbor" rule. The safe harbor rule allows a party moved

against to withdraw the offending pleading within 21 days of a Rule 11 motion—an indulgent free bite at the apple. The section also clarifies that the purpose of sanctions is to deter repetition of abusive litigation practices and to compensate a party injured by the conduct.

Sec. 302: Trial Lawyer Accountability. This section contains two major provisions. The first provides that it is the sense of the Congress that each State should require attorneys who enter into contingent fee agreements to disclose to their clients the actual services performed and hours expended in connection with such agreements. The second provision directs the Attorney General to study and evaluate contingent fee awards and their abuses in State and Federal court; to develop model legislation to require attorneys who enter into contingency fee agreements to disclose to clients the actual services performed and hours expended, and to curb abuses in contingency fee awards based on the study; and to report the Attorney General's findings and recommendations to Congress within one year of enactment.

Sec. 303: Honesty in Evidence. This section amends Federal Rule of Evidence 702 to reform the rules regarding the use of expert testimony. It clarifies that courts retain substantial discretion to determine whether the testimony of an expert witness that is premised on scientific, technical, or medical knowledge is based on scientifically valid reasoning, is sufficiently reliable, and is sufficiently established to have gained general acceptance in the particular field in which it belongs. The section codifies the standard for admissibility of expert testimony enunciated in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 113 S. Ct. 2786 (1993). It also restores the common law *Frye* rule that requires that scientific evidence have "general acceptance" in the relevant scientific community to be admissible. This section further clarifies that expert witnesses have expertise in the particular field on which they are testifying. Finally, this section mandates that the testimony of an expert retained on a contingency fee basis is inadmissible.

Sec. 304: Fair Shifting of Costs and Reasonable Attorney Fees. This section modifies Federal Rule of Civil Procedure 68 to allow either party, not just the defendant, to make a written offer of settlement or to allow a judgment to be entered against the offering party. It expands the time period during which an offer can be made from 10 days before trial to any time during the litigation. If within 21 days the offer is accepted, a judgment may be entered by the court. If, however, a final judgment is not more favorable to an offeree than the offer, the offeree must pay attorney fees and costs incurred after the time expired for acceptance of the offer. Thus, this is not a true "loser pays" provision where a loser pays the winner's attorney's fees, but rather a narrower attorney fee- and cost-shifting idea applicable only when a party has made an offer of settlement or judgment. This section also significantly expands the definition of recoverable costs. Currently, costs are narrowly defined and do not create enough of a financial incentive for a party to make an offer that allows judgment to be entered. Finally, this section also allows a party to make an offer of judgment after liability has already been determined but before the amount or extent has been adjudged.

#### TITLE IV—HEALTH CARE LIABILITY REFORM

Sec. 401: Limitations on Noneconomic Damages. In any health care liability action the maximum amount of noneconomic damages that may be awarded to a claimant is \$250,000. This limit shall apply regardless of

the number of parties against whom the action is brought, and regardless of the number of claims or actions brought. The jury shall not be informed about the limitations on noneconomic damages.

Sec. 402: Uniform Statute of Limitations. This section provides a reasonable uniform statute of limitations for health care liability actions, with one exception for minors. The general rule is that an action must be brought within two years from the date the injury and its cause was or reasonably should have been discovered, but in no event can an action be brought more than six years after the alleged date of injury. This section also allows an exception for young children. The rule for children under six years of age is that an action must be brought within two years from the date the injury and its cause was or reasonably should have been discovered, but in no event can an action be brought more than six years after the alleged date of injury or the date on which the child attains 12 years of age, whichever is later.

Sec. 403: Periodic Payment of Future Damages. This section allows for the periodic payment of large awards for losses accruing in the future. If damages for losses incurred after the date of judgment exceed \$100,000, the court shall allow the parties to have 60 days in which to negotiate an agreement providing for the payment of such damages in a lump sum, periodic installments, or a combination of both. If no agreement is reached within those 60 days, a defendant may elect to pay the damages on a periodic basis. The court will determine the amount and periods for such payments, reducing amounts to present value for purposes of determining the funding obligations of the individual making the payments. Periodic payments for future damages terminate in the event of the claimant's recovery or return to work; or upon the claimant's death, except for the portion of the payments allocable to future earnings which shall be paid to any individual to whom the claimant owed a duty of support immediately prior to death to the extent required by law at the time of death. Such payments shall expire upon the death of the last person to whom a duty of support is owed or the expiration of the obligation pursuant to the judgment for periodic payments.

Sec. 404: Non-Fault Based Patient Compensation System Demonstration Project. This section allows states to experiment with alternative patient compensation systems based upon no-fault principles. Grants shall be awarded by the Secretary of Health and Human Services based on applications made by interested states according to enumerated criteria and subject to enumerated reporting requirements. Persons or entities involved in the demonstrations involved may obtain a waiver from the Secretary from the provisions of this Title for the duration of the experiment, which shall be not greater than five years. The Secretary shall collect information regarding these experiments and submit an annual report to Congress including an assessment of the feasibility of implementing no-fault systems and legislative recommendations, if any.

Sec. 405: Definitions. This section defines various terms and phrases used in Title IV of the bill.

#### TITLE V—CONTROL OF ABUSIVE PRISONER LITIGATION TACTICS

Sec. 501: Reform of In Forma Pauperis Determinations. This section reforms *in forma pauperis* determinations by permitting courts to require a prisoner to make either partial payment of fees or the payment of fees in installments where the court deter-

mines that a prisoner is unable to pay the total fees. This section also requires that, where a prisoner files an *in forma pauperis* affidavit, the prisoner must also file (1) an affidavit listing the prisoner's assets, and (2) a statement, signed by prison officials, specifying the prisoner's income and assets during the preceding year.

Sec. 502: Improving Courts' Abilities to Dismiss Nonmeritorious Claims. This section improves courts' abilities to dismiss nonmeritorious *in forma pauperis* claims by permitting courts to dismiss such claims at any time where the allegation of poverty is untrue, where those claims are frivolous or malicious, where the complaint fails to state a claim on which relief can be granted, or where the claim is insubstantial in that the plaintiff suffered no injury or an insubstantial injury.

Sec. 503: Exhaustion of Administrative Remedies in Prisoner Litigation. This section amends Section 7 of the Civil Rights of Institutionalized Persons Act to require the exhaustion of available administrative remedies where a prisoner files a lawsuit under 42 U.S.C. §1983. It also makes minor changes in the assessment of whether administrative remedies are adequate, to grant greater flexibility to the Attorney General. Currently, courts are required to continue a case for no longer than 90 days to allow a prisoner to exhaust his administrative remedies. Prisoners often merely wait out the time period and make no effort to pursue an administrative remedy. Thus, this section requires *exhaustion* of a prisoner's plain, speedy, and effective administrative remedy.

#### TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601: Federal Cause of Action Precluded. This section provides that the bill does not provide any new basis for federal court jurisdiction. The resolution of punitive damages claims is left to state courts or to federal courts that currently have jurisdiction over those claims.

Sec. 602: Effective Date. Except as otherwise provided, this section provides that this Act shall be effective 30 days after the date of its enactment and shall apply to all civil actions commenced on or after that date, including actions in which the harm occurred before the effective date of this Act.

By Mrs. KASSEBAUM (for herself, Mr. INOUE, Mr. DOMENICI, and Mr. STEVENS):

S. 673. A bill to establish a youth development grant program, and for other purposes; to the Committee on Labor and Human Resources.

#### THE YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Youth Development Community Block Grant Act of 1995 on behalf of myself, Senator DOMENICI, Senator INOUE, Senator STEVENS. The purpose of this initiative is to reallocate existing Federal funding for preventive youth program into a more effective and cohesive network of community-based youth development services for 6- to 18-year-olds.

The United States has concentrated most of its efforts on behalf of youth on specific problems that have captured the attention of the American public. This well-intentioned response has had two major results: First, the creation of a maze of narrowly defined categorical programs to address the

specific needs of a particular population; and second, a lack of local flexibility in determining how best to respond to the needs of youth in the community. These two factors, combined with our concern about the increasing vulnerability of the American family, have led to the development of the Youth Development Community Block Grant Act.

The central goal of the youth development community block grant [YDCBG] is to promote and support positive youth development. The bill will fund services focused on prevention—programs that help children and youth develop the values and life skills they need to succeed. It reflects the belief of leaders in the field of youth development, including the Carnegie Council on Adolescent Development and the Center for Youth Development and Policy Research, that youth programs should address the social, moral, emotional, and physical development of youth, in addition to their ability to think and reason.

Likewise, the legislation reflects the strong consensus among these experts that youth development services should focus on the needs of youth in general, rather than segregate them into various categories of risk. It also emphasizes the use of participatory, hands-on-techniques which have been shown to be effective in getting youth involved and interested in learning critical life skills.

Rather than wait until young people are in crisis, this legislation will fund preventive services. Rather than forcing service providers to define the needs of a youth to conform to the labyrinth of rules and regulations of a categorical program, they can identify the youth's needs based on what is actually needed. The youth development community block grant represents a comprehensive, coordinated approach to youth and to funding community-based services.

The YDCBG incorporates many of the principles which policymakers and service providers have identified as necessary for effective Federal support for community-based human services—local control, flexibility, coordination, and accountability.

Most existing youth development programs are provided not by government agencies but by community-based organizations. The youth development community block grant builds on the strength, credibility, and expertise of existing community-based resources.

There is a broad and growing consensus among youth policy experts about the importance of increased investment in positive youth development programs. For example, in major studies, both the Chaplin Hall Center for Children at the University of Chicago and the Carnegie Council have concluded that, if youth are to succeed, there must be a well-developed infrastructure of youth development services in their communities. Provisions in the legislation concentrate on im-

proving the quality of community-based youth development programs and improving the capacity of communities to design and deliver successful services for our youth.

The YDCBG was developed in conjunction with the National Collaboration for Youth, a 15-member coalition of major youth-serving organizations. These organizations collectively provide direct services to over 25 million children and youth each year.

Members of the National Collaboration for Youth endorsing the Youth Development Community Block Grant Act include: the American Red Cross, Association of Junior Leagues International, Big Brothers/Big Sisters of America, Boy Scouts of America, Boys and Girls Clubs of America, Camp Fire Boys and Girls, Child Welfare League of America, 4-H-Extension Service, Girl Scouts of the USA, Girls Inc., National Network of Runaway and Youth Services, The Salvation Army, WAVE Inc., YMCA of the USA, and YWCA of the USA.

While these and other community-based youth organizations are providing important services to millions of youth, millions more go unserved or underserved. It is critical that the existing Federal dollars allocated for youth prevention be used in the most effective and efficient way—to build a cohesive network of locally driven services and programs.

The legislation authorizes the youth development community block grant for 3 years at \$2 billion per year. This authorization level represents a 10-percent savings over current Federal spending for the various programs consolidated under the YDCBG, the sum of the fiscal year 1995 appropriations for existing programs combined with the estimated appropriations level for crime bill programs aimed at youth prevention, less 10 percent.

I hope other Members of the Senate join with us as cosponsors of the Youth Development Community Block Grant Act.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SUMMARY—YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT

The Youth Development Community Block Grant (YDCBG) is an effort to reallocate existing federal funding for preventive youth programs into a more effective and efficient response to the needs of young people, aged 6-18. The goal of youth development programs is helping children and youth learn the life skills which they need to succeed. This legislation establishes a community driven, coordinated network of positive youth development to accomplish this goal.

In short, the youth development community block grant:

Is community-based and flexible, with program accountability

Invests money in prevention rather than crisis intervention

Transforms current categorical programs into a cohesive network

Can serve as a catalyst in building stronger communities to support children and their families

FEATURES OF THE YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT

*Community control of local programs*

This legislation supports the idea that the best place to design and implement youth programs is within the community. When created within the context of the community and by a partnership of community members, the programs can draw upon the strengths of existing resources and address the specific needs of the youth living there.

All YDCBG-funded programs must address community youth development priorities as defined by the Local Board; recognize the role of the family in youth development; involve parents, youth, and community leaders in the program; coordinate services with other programs in the community; and establish process and outcome objectives responding to local needs.

*Focus on prevention rather than crisis intervention*

The second part of the equation is that it is important to redirect resources to prevention activities. Most government funds are focused on solving problems rather than preventing problems from occurring. There are a variety of activities which help youth develop their social, emotion, and physical abilities, along with their ability to think and reason. These activities can involve mentoring, sports and recreation, peer counseling, youth clubs, leadership development, educationally based youth employment, and a variety of other non-academic pursuits. Youth development programs provide youth with hands on, active way to learn life skills which will help them make a successful transition from childhood to adulthood.

In addition, because these activities are not focused on correcting a specific problem, but on providing basic life skills, the programs do not need to be restricted to "high risk" youth or a special target population. Local communities and youth development agencies may choose to focus the activities on a special group of children and youth, such as low-income or at risk youth, in response to a particular need of the community.

*Funds go Directly to Communities*

Nearly 95% of the YDCBG funds are funneled directly to local communities; states serve as a pass through and monitoring mechanism. Through a planning and priority setting process, local communities determine the types of activities which will be funded and who will provide those services. Program accountability is demonstrated by measuring the community's progress in meeting goals set in the planning and priority setting process. This provides communities broad flexibility to define local priorities and support local initiatives, while at the same time encouraging community partnerships comprehensive planning, and service integration.

*Existing funds are consolidated into a cohesive strategy*

Funding for the YDCBG is drawn from existing federal youth prevention programs. The majority of existing youth development and prevention programs are funded through categorical grants awarded on a discretionary basis by the federal agency administering the initiative. These categorical programs are designed to respond to an identified problem such as substance abuse or teen pregnancy. The YDCBG recognizes that those problems are symptoms not only of youth but of an ineffective service delivery system—and that the new funding structure

must transform the current potpourri of narrowly defined categorical programs into a cohesive community based strategy for youth. Current budget constraints demand that existing federal funds be more efficiently administered and more effectively used.

Although the legislation includes the repeal of several federal initiatives, a "grandfather" clause in the bill permits communities to continue funding for any local program currently receiving funding from the repealed programs. While the federal administration and legislation will be terminated, the programs themselves can continue to operate at the community level—where the service is delivered.

*Funds will be allocated based on a formula, rather than good grantwriting skills*

The majority of programs consolidated within the YDCBG are currently distributed through the discretionary grant process. Distribution among states and communities varies widely and is determined, in large part, by the grantwriting skills of the grantees. Through a formula based allocation of YDCBG funds, every county will receive some level of funding for youth development activities. This allocation formula gives equal weight to the size of the youth population aged 6-18, the proportion of the youth population living below the poverty line, and increases in the rate of serious juvenile crime. A small state minimum and set aside for Native American populations is included in the legislation.

*Administrative structures are streamlined*

The primary administrative structure of the YDCBG is the Local Board. This Board, appointed jointly by the Chief Executive Officer of the County and a representative of the local youth development community, is responsible for setting the goals, determining strategies for achieving those goals, and distributing funds for youth development services in the community. The state serves as a pass through for distributing funds to counties based on the federal allocation formula. In addition, the state is responsible for basic monitoring, reporting and technical assistance functions to assist the counties implementation of the act. The federal role in the YDCBG consists of program oversight as well as state and local capacity building through technical assistance, and research-based demonstration projects.

Provisions in the bill promote the use of existing administrative structures on the federal, state, and local levels. Multi-county and other partnership efforts are encouraged.

*Sources for federal funding of the YDCBG*

Department of Health and Human Services:

- Youth Gang Prevention Program.
- National Youth Sports Program.
- Demonstration Partnership Program.
- Community Coalition Demonstration Projects to Support HHS Needs for Minority Males.

Demonstration Grants for the Prevention of Alcohol and Other Drug Abuse among High Risk Youth.

Drug Abuse Prevention for Runaway and Homeless Youth.

Drug Abuse Prevention and Education Relating to Youth Gangs.

Department of Labor: Summer Youth Employment and Training Program.

Department of Education:  
School Drop-Out Demonstration Assistance.

Drug Free and Safe Schools and Communities National Programs.

Drug Free and Safe Schools and Communities—State Grants.

Drug Free and Safe Schools and Communities—Regional Centers

Drug Free and Safe Schools and Communities—Emergency Grants.

Department of Justice—Office of Juvenile Justice and Delinquency Prevention:

- Youth Gangs.
- Juvenile Mentoring.
- Delinquency Prevention Grants.
- From the Crime bill:
- Ounce of Prevention Council.

Local Crime Prevention Block Grant Program.

Family and Community Endeavor Schools Grant Program.

Assistance for Delinquent and At-Risk Youth.

Local Partnership Act.

Urban Recreation and At-Risk Youth.

Gang Resistance Education and Training.  
The \$2 billion authorization amount for the YDCBG is the sum of the fiscal year 1995 appropriations for existing programs combined with the estimated appropriations for the crime bill programs less 10%.

#### YOUTH DEVELOPMENT COMMUNITY BLOCK GRANT ACT OF 1995—SECTION-BY-SECTION DESCRIPTION

Section 1: Short Title; Table of Contents: This section contains the table of contents for the Youth Development Community Block Grant Act of 1995.

Section 2: Findings: Section 2 enumerates Congressional findings for the Youth Development Community Block Grant Act of 1995.

Section 3: Purposes: The purpose of this Act is set forth in Section 3. The Act is designed to create a single, comprehensive Federal strategy for community-based youth development services, and to support communities in designing community strategic plans for worthwhile youth development.

Section 4: Definitions: Section 4 defines all relevant terms and phrases referred to in the Act.

Section 5: Distribution of Funds: Section 5 authorizes appropriations up to \$2,000,000,000 per fiscal year 1996 through 1998. This appropriation is to be allocated in the following manner: 95.5 percent for allotments to States (for distribution to the community boards); 1.5 percent for grants to Native American organizations; and 3 percent for activities by the Administration for Children and Families. The formula for distributing the funds to states and to counties equally weights three factors—youth population, level of poverty, and increases in violent juvenile crime since 1990.

Section 6: Community Youth Development Board: Section 6 establishes a Community Youth Development Board and a multicounty Community Board. These boards shall prepare and submit to the State a community strategic plan for youth development, shall be responsible for establishing monitoring and evaluation procedures; and shall award grants. This section also sets forth guidelines for the composition, administration, and duties of community boards.

Section 7: Duties of the State: State responsibilities are set forth in Section 7. These duties include the designation of a state entity to administer and conduct State activities; the development of a mechanism through which to process information, coordinate activities, assess program effectiveness, and for the preparation and submission of an annual report.

Section 8: Duties of the Assistant Secretary: This section specifies duties of the Assistant Secretary. The Assistant Secretary shall establish and implement a mechanism to receive information necessary to improve the effectiveness of Federal youth development activities. Moreover, the Assistant Secretary shall issue national policy goals and a national strategic plan; shall monitor, evaluate, and coordinate activities

funded under this Act; and shall submit reports to the President and Congress.

Section 9: Repeals: Section 9 enumerates provisions of law which are repealed by the Act. Several provisions in the Violent Crime Control and Law Enforcement Act of 1994 are repealed, along with several Department of Education Programs. Various provisions from other programs are also repealed.

Section 10: Conforming Amendments: Section 10 sets forth conforming amendments in the Elementary and Secondary Education Act of 1965, the Anti-Drug Abuse Act of 1988, the Job Training Partnership Act, and the National School Lunch Act.

Section 11: Transfer of Funds: Section 11 outlines the transfer of funds. The total amount of funds shall be transferred to the budget account for this Act. Any amounts in the budget account that exceed \$2,000,000,000 shall be returned to the Treasury of the United States.●

● Mr. DOMENICI. Mr. President, I am pleased to join the Senator from Kansas, the distinguished chairwoman of the Senate Labor Committee, and the Senator from Hawaii as an original sponsor of this legislation. Senator KASSEBAUM has summarized what is in this bill far more eloquently than I can, so I won't bother to summarize this bill section-by-section. But I would like to take a moment to review the provisions of this bill that I think deserve special attention.

It has become especially obvious in recent years that there is no such thing as one size fits all when it comes to providing services to youth. Many of the programs we have put into place have the same noble intention of providing services to children and youth who need them, but vary in their approaches to delivery. Some programs work very well, others less so. Youth who qualify for one program out of the Department of Labor may not necessarily qualify for a program out of the Department of Human Services. Additionally, we have front-loaded the process with countless regulations to be followed and forms and applications to be completed. As a result, our good intentions are often followed with confusing procedure and time-consuming oversight and management procedures. Plainly, the current system is not delivering.

Our bill is based upon two encroaching realities. First, that many of the problems in our current system are not always due to the nature of the population served, but because of an ineffective, confusing, contradictory, or overwhelming method of delivering services. Second, that States and local communities know best what works best in their States and local communities. Clearly, a new approach to delivering these services is needed.

With this in mind, we did not approach this problem with the intent of block granting a number of Federal programs just for the sake of block granting. I know there are some who question the wisdom of block-granting programs, and I share the view that there are some programs which, due

to their comprehensive nature, do not belong in a block grant. The issue is one of appropriateness—we should not lump together programs which are unrelated or serve substantially different populations, or deliver unrelated services. In other words, don't block grant your apples with your oranges.

I am pleased, therefore, that our legislation focuses on block granting appropriate, and related, programs. These are programs with overlapping jurisdictions or which duplicate programs available in other agencies. And, unlike some proposals that often set our phones to ringing, the bill consolidates apples only with apples. The block grant established under this legislation would consolidate funding from existing Federal youth prevention programs. The list isn't long, and it may even turn out that we didn't include a program in here that others may think should be included. So, I think if you look carefully at what we have included in this block grant, you will see that we did not create a block grant just because everyone is doing it. We were very careful in the programs we chose.

We are proposing a much simpler approach to delivering services to young people, and one that gives communities a much greater voice in determining what services are appropriate in their area. We are rejecting the current practice of moving funding for youth programs through a number of assistant secretaries at the Federal and State level, then gluing on layer after burdensome layer of regulations from a number of different agencies onto those funds. Instead, our bill would ensure that money flows directly to the States—and then directly to communities—and not to the Federal Government. Ninety-five percent of the funds available under this bill go directly to local communities, who know best what their specific needs are.

The State would serve mainly as a flow-through point, with an appropriate entity in place to administer and conduct a few activities, including monitoring, reporting, and technical assistance to counties. Administration of the program is left largely to local boards, which would be appointed in each community by the chief executive officer of the county and a representative of the local youth development community. These boards would determine the goals of the programs within their community, how the community would pursue these goals, and then distribute the funds for the youth development services in the community.

Further, the funds for this program are allocated to the States by formula, not through a discretionary grant process. We have found this approach is one that works in other large grants, such as the Community Development Block Grant. A formula ensures that every State, regardless of size or grant-writing ability, will receive some funding for their youth programs. We have also included a mandatory set-aside for na-

tive American, Hawaiian, and Alaskan populations to ensure that the young people in these populations will continue to receive services. I know Senator KASSEBAUM worked closely with members of the Indian Affairs Committee on this language, including the distinguished ranking member who is sponsoring this legislation with us, and I appreciate that committee's assistance in this matter as well.

Unlike the current system, the funds made available under this block grant are not targeted at a narrowly defined group of young people. The non-targeted nature of this block grant means that communities do not necessarily have to target their programs to only at-risk, or only high-risk, or only no-risk youth. Rather, they can develop programs that serve all the youth in their community. These activities can be as broad or as narrow as the community chooses.

Another objective of this legislation is to provide for our young people before they become lost in the system. Under our current system, we focus our efforts mainly on solving an existing problem. Now, I would certainly agree that there is an appropriate role for the Government in this area, but I do not think I exaggerate when I say that many of our programs are the equivalent of ambulance chasing. We seem to always arrive after the fact to help pick up the pieces.

Again, I agree that this is an important function of Government—and our bill would certainly not prevent communities from operating these kinds of programs—but I think we serve our children and our communities better if we focus our efforts on preventing problems from occurring in the first place. Therefore, our bill is heavily tilted toward preventative programs, and would consolidate funding from a number of prevention programs under the jurisdictions of Labor, Health and Human Services, Education, and Justice.

Let me reassure my colleagues that there is no hidden agenda here. We are not out to get any one of these programs. In fact, I have been a staunch supporter of many of the programs block granted in this bill, including the National Youth Sports Program under the Department of Health and Human Services, the Summer Youth Employment and Training Program under the Department of Labor, and Safe and Drug Free Schools under the Department of Education. However, I'm certain there are some in New Mexico listening to me right now who are saying, "Wait a moment, Senator—you're proposing to put into your block grant a program that we already have. What will happen to our program?" The answer to that is, nothing. The purpose of this bill is to let communities continue to make available and expand upon the kinds of services these programs provide, but without the Federal Government peeking over their shoulders. We have grandfathered existing programs,

allowing the communities to continue funding for any local program currently in place, but without the Federal administration.

Now, in all the talk about block grants, there is always the concern that we will be letting the States have completely free reign, with no accountability, and therefore States will be spending the money from block grants on unrelated items. I want to assure my colleagues and anyone listening that this cannot happen under our bill. Funds must be spent on youth development programs in the State. Period. Also, we will maintain some—minimal, but some—oversight of the program, as well as assisting the States in training and technical assistance, as needed.

It has become alarmingly obvious that we will be unable to continue to fund programs at their existing rate of growth. However, we believe that under our proposed delivery system, States will be able to perform more with less funding. The funding authorized for this program is based on the current authorization levels for the 23 programs we consolidate, minus 10 percent. That amounts to \$2 billion. That is not a huge reduction in funding, and we believe that without having to worry about complying with the strict letter of the law, without having to worry about complying with regulation after regulation, and without having to worry about reams of paperwork, the States will find they can continue to deliver services at their current rate, and may surprise themselves in finding they can do even more.

Finally, I want to acknowledge a number of groups who are lending their support to this legislation, and who have been very helpful during this process. My thanks go especially to the Boys and Girls Club of America, Big Brothers/Big Sisters, the American Red Cross, YMCA, YWCA, and the Boy Scouts of America. These are groups I have worked with closely on my efforts with the Character Counts Coalition, and their support for this effort means as much to me as it does for my efforts with Character Counts. I look forward to continuing to work with them.

I believe ours is a responsible approach that can work. I encourage my colleagues to give it a chance to do so. ●

By Mr. EXON (for himself, Mr. DORGAN, Mr. KERRY, and Mr. MOYNIHAN):

S. 674. A bill entitled the "Rail Investment Act of 1995"; to the Committee on Commerce, Science, and Transportation.

#### RAIL INVESTMENT ACT

Mr. EXON. Mr. President, I am pleased to introduce the Rail Investment Act of 1995. This legislation will ensure that America's rail infrastructure continues to meet the needs of the Nation. This bill is an update version of S. 2002 which the Senate Commerce Committee unanimously approved last year and combines several important

rail initiatives including the reauthorization of Amtrak, the reauthorization of the Local Rail Freight Assistance Program and other rail initiatives of critical importance to a number of Members of the Senate.

The bill before the Senate takes into account the cost-saving measures taken by the Amtrak Board and includes new provisions to help Amtrak generate more nontax revenues through advertising, concessions and intermodal coordination with America's bus companies. I know that this legislation is a starting place and not a finishing place. Many painful choices regarding Amtrak are just around the bend. With a few modifications, however, it is where the Senate left off last year.

As the former chairman of the Surface Transportation Subcommittee, I am proud of the work we did last year. I have updated the effort to reflect the new political and financial realities which face both Amtrak and this body.

The Senate Commerce Committee held a very good hearing on Amtrak and it is clear to me that there continues to be strong bipartisan support for a national passenger rail system. I look forward to working with both the new chairman of the full committee and the subcommittee to assure that Amtrak has a future.

The key features of the Rail Investment Act include:

First, an addition to the Amtrak mission statement that Amtrak should treat all passengers with respect, courtesy, and dignity and that Amtrak should manage its capital investment to provide world class service;

Second, a study of proposed changes of the State-requested service program;

Third, a renewal of the authorization for the Northeast Corridor Improvement Program [NECIP];

Fourth, a technical amendment to settle a title problem for Reno, NV, rail properties;

Fifth, the Missouri River Corridor Development Program to study the feasibility of service between Kansas City and Omaha, to authorize station projects and fund operation of new service in and around the States bordering the Missouri River;

Sixth, a provision to assist Rhode Island with its double-stack freight service problems;

Seventh, a provision which allows Amtrak to better manage its finances;

Eighth, a provision to study D.C. to Bristol, VA, passenger rail service;

Ninth, the addition of a passenger representative to the Amtrak Board of Directors;

Tenth, a pilot program to generate more nontax revenues from advertising and concession sales; and

Eleventh, a provision to authorize a rail project integral to service between Massachusetts and Maine;

Twelfth, a continuation of the Amtrak labor management safety task force.

The bill also includes the text of legislation I introduced with Senators DASCHLE, PRESSLER, HARKIN, CONRAD, KERREY, and DORGAN last year to reauthorize the Local Rail Freight Assistance Program [LRFA] for \$30 million each year. In addition, the LRFA Program is amended to give authorization for emergency appropriations, and to add explicit language to permit LRFA money to be used for crossing closures and upgrades.

I urge my colleagues to endorse this much needed legislation.

#### ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 351

At the request of Mr. HATCH, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 360

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 390

At the request of Mr. BIDEN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 390, a bill to improve the ability of the United States to respond to the international terrorist threat.

S. 451

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 451, a bill to encourage production of oil and gas within the United States by providing tax incentives and easing regulatory burdens, and for other purposes.

S. 629

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 629, a bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Arkansas [Mr. PRYOR], the Senator from

Arkansas [Mr. BUMPERS], the Senator from Nebraska [Mr. KERREY], the Senator from Nevada [Mr. REID], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 644

At the request of Mr. CAMPBELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

#### SENATE RESOLUTION 91

At the request of Mr. PELL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 91, a resolution to condemn Turkey's illegal invasion of Northern Iraq.

#### AMENDMENT NO. 425

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 10—RELATIVE TO EASTERN AND CENTRAL EUROPE

Mr. BROWN (for himself and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 10

Whereas the countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Slovenia, Bulgaria, and Romania, are important to the long-term stability and economic success of a future Europe freed from the shackles of communism;

Whereas the Central and Eastern European countries, particularly Hungary, Poland, the Czech Republic, and Slovakia, are in the midst of dramatic reforms to transform their centrally planned economies into free market economies and to join the Western community;

Whereas it is in the long-term interest of the United States to encourage and assist the transformation of Central and Eastern Europe into a free market economy, which is the solid foundation of democracy, and will contribute to regional stability and greatly increased opportunities for commerce with the United States;

Whereas trade with these countries accounts for less than one percent of total United States trade;

Whereas the presence of a market with more than 140,000,000 people, with a growing appetite for consumer goods and services and badly in need of modern technology and management, should be an important market for United States exports and investments; and

Whereas the United States has concluded agreements granting most-favored-nation status to most of the countries of Central and Eastern Europe: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that the President should take steps to negotiate international agreements for free trade between the United States and the countries of Central Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, and Slovenia, and should take vigorous actions to lay the groundwork for such an agreement, including—

- (1) developing closer commercial contacts;
- (2) eliminating tariff and nontariff discriminatory barriers in United States trade with these countries;
- (3) developing framework agreements that chart a course toward a free trade agreement;
- (4) establishing bilateral investment treaties;
- (5) stimulating increased United States exports and investments to the region;
- (6) obtaining further liberalization of investment regulations and protection against nationalization in these foreign countries; and
- (7) establishing fair and expeditious dispute settlement procedures.

#### SENATE RESOLUTION 100— RELATIVE TO NATIONAL 4-H DAY

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 100

Whereas the Senate is proud to honor the National 4-H Youth Development Program of the Cooperative State Research, Education, and Extension Service for 85 years of experience-based education to young people throughout the United States;

Whereas this admirable Program seeks to provide a learning experience for the whole child (including head, heart, hands, and health) and help children of the United States to acquire knowledge, develop life skills, and form attitudes to enable the children to become self-directed, productive, and contributing members of society;

Whereas the 5,500,000 urban, suburban, and rural participants in the Program, ranging from 5 to 19 years of age, hail from diverse ethnic and socioeconomic backgrounds and truly represent a cross-section of the United States;

Whereas the Program could not have achieved success without the service of the more than 65,000 volunteers who have given generously of their time, talents, energies, and resources; and

Whereas throughout proud history of the Program, the Program has developed positive roles models for the youth of the United States and (through its innovative and inspiring programs) continues to build character and to instill the values that have made the United States strong and great: Now, therefore, be it

*Resolved,* That the Senate—

- (1) proclaims April 5, 1995, as National 4-H Day;

- (2) commends the 4-H Youth Development Program and the many children and volunteers who have made the Program a success; and

- (3) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

#### SENATE RESOLUTION 101— RELATIVE TO ISRAEL

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 101

Whereas the Congress approved a free trade agreement with Israel on April 29, 1985;

Whereas the free trade agreement with Israel was designed to increase United States economic ties with Israel;

Whereas the goal of United States policy in the Middle East is to achieve a lasting peace that brings economic integration and development in the region;

Whereas economic integration and development in the Middle East can only be achieved through a "warm" peace in which diplomats are exchanged, the Arab boycott of Israel has been eliminated, close cooperation between Israel and her neighbors to combat terrorism and international criminal activity has been established, mutual security agreements have been concluded, and agreements have been reached that mutually reduce barriers to the free flow of goods, people, and ideas; and

Whereas a "warm" peace in the Middle East between Israel and her neighbors should be based upon trade and expanding economic development: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the President should—

- (1) expand the free trade agreement between the United States and Israel to include those countries that sustain a "warm" peace with Israel;

- (2) prior to such expansion, and annually thereafter, certify to the Congress that such country or countries have entered into a "warm" peace with Israel that includes—

- (A) the recognition of Israel and establishment of full diplomatic relations with Israel, including the exchange of ambassadors;

- (B) eliminating all levels of the Arab boycott of Israel;

- (C) a commitment to a quick response to condemn and punish acts of international terrorism and those who perpetrate them;

- (D) working closely with United States and Israel to remove havens for international terrorists;

- (E) mutual security agreements with Israel;

- (F) extradition agreements with Israel on reciprocal treatment of terrorists; and

- (G) agreements with Israel which ensure the mutual reduction of barriers to the free flow of goods and people; and

- (3) not extend any preferences or trade inducements to a country that is a state-sponsor of terrorism.

#### SENATE RESOLUTION 102— RELATIVE TO PAKISTAN

Mr. BROWN (for himself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. HELMS, and Mr. PELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 102

Whereas Pakistan and the United States have been allies since 1947, and throughout the difficult days of the Cold War;

Whereas Pakistan was a front-line state against Soviet totalitarian expansionism and worked with the United States to successfully end the Soviet occupation of Afghanistan;

Whereas Pakistan has been in the forefront of United Nations peacekeeping operations, recently being the largest contributor of forces to United Nations peacekeeping operations;

Whereas Pakistan has cooperated with the United States in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City;

Whereas Pakistan's economy is being increasingly liberalized and opened to outside investors and businesses;

Whereas there are increasing opportunities for economic cooperation between Pakistan and the United States as a result of private sector agreements for investment in Pakistan's energy sector and other pending agreements;

Whereas Prime Minister Benazir Bhutto, who has worked to strengthen Pakistan's close relationship with the United States, was reelected to office in October, 1993 and is scheduled to visit the United States on an official visit in April; Therefore be it

*Resolved,* That the United States Senate—

- (1) welcomes the visit of Prime Minister Benazir Bhutto to the United States as a sign of the warm, enduring friendship between the U.S. and Pakistan; and

- (2) pledges to work with the government of Pakistan to strengthen the U.S.-Pakistan relationship in the years ahead.

#### AMENDMENTS SUBMITTED

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCIS-SIONS ACT

##### WELLSTONE AMENDMENT NO. 450

Mr. WELLSTONE proposed an amendment to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At an appropriate place in the bill, insert the following:

"SEC. . It is the Sense of the Senate that before the Senate is required to vote on the question of whether the WIC program and other nutrition programs should be converted to block grant programs to be administered by the states, a full and complete investigation should be conducted by the Senate Committee on Agriculture to determine whether, and if so, to what extent, such a proposed substantial change in national policy is the result of the improper influence of the food industry and lobbyists acting on the industry's behalf."

##### DOLE (AND MCCONNELL) AMENDMENT NO. 451

Mr. DOLE (for himself and Mr. MCCONNELL) proposed an amendment to amendment No. 450 proposed by Mr. WELLSTONE to the bill H.R. 1158, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND  
RELATED PROGRAMS  
BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE PRESIDENT  
DEBT RESTRUCTURING  
DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, \$275,000,000, to remain available until September 30, 1996: Provided, That not more than \$50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

BINGAMAN AMENDMENT NO. 452

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 35, lines 21 through 23, strike all beginning with "\$15,200,000" through "title III-B, \$5,000,000, and", and insert "\$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,".

On page 43, line 17, strike "\$1,300,000,000" and insert "\$1,310,000,000".

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, April 4, at 9:30 a.m., in SR-332, to discuss market effects of the Federal farm policy.

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

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 4, 1995, at 2:30 p.m. in open session to receive testimony on the Department of Energy national security issues and the fiscal year 1996 budget request and future years' Defense program.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a business meeting Tuesday, April 4, 10 a.m. to consider the nomination of

Shirley Ann Jackson to be member, Nuclear Regulatory Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 1:30 p.m. to hold a hearing on Western Hemisphere drug control strategy.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Tuesday, April 4, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the trade policy agenda and trade agreements program.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, April 4, 1995 at 10 a.m. for a hearing on the subject of earned income tax credit.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 10 a.m. to hold a hearing on punitive damages tort reform.

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

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, April 4, 1995, at 10 a.m., in room SH-216 to conduct a hearing focusing on the Small Business Administration's 8(a) Minority Business Development Program.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS,  
FOREIGN COMMERCE AND TOURISM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on consumer affairs, foreign commerce and tourism of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 4, 1995, at 9:30 a.m. on S. 565, Product Liability Fairness Act of 1995.

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

SUBCOMMITTEE ON SEAPOWER

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, April 4, 1995, in open session, to receive

testimony on surface shipbuilding programs and the Department of the Navy's plans for modernization and recapitalization in review of the defense authorization request for fiscal year 1996 and the future years' defense program.

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

ADDITIONAL STATEMENTS

TRADE WITH KOREA

• Mr. FRIST. Mr. President, I rise today, the day United States Trade Representative Mickey Kantor is testifying before the Senate Finance Committee about overall United States trade policy, to bring to the attention of the Senate an injustice to American companies exporting to South Korea. Time after time, American companies are confronted with nontariff barriers that impede their ability to compete in the South Korean market.

One of my constituents, the M/M Mars' Co., which makes Mars candy bars and employs over 900 Tennesseans, is a strong example of an American company exporting their product, attempting to comply with the domestic requirements in South Korea and encountering headache after headache in the process. I am disturbed about this problem not only because it affects many Tennesseans, but because it also strains the relationship between American companies and South Korea.

The most recent incident is a new labeling requirement imposed by the South Korean Ministry of Health. If Korea had notified the appropriate parties and given the company a reasonable amount of time to comply with the new regulations, then I would not be here today. However, despite United States protest and Korean acknowledgement of its "failure to notify," the Korean Ministry of Health refuses to agree to a moratorium on the requirement, which would allow the company sufficient time to comply with the new regulations.

Mr. President, I am not asking for South Korea to change its policy. I am asking for them to comply with their obligation under article X of the World Trade Organization and publish regulations affecting trade and administer them in a "uniform, impartial and reasonable manner." I am also asking them to realize this injustice and provide a moratorium to allow entry to the remaining unlabeled shipments of M/M Mars products and give the company time to relabel their products, which they have agreed to do on or before August 1, 1995.

American companies, such as M/M Mars, do not want special treatment. They want the opportunity for their products to compete fairly in the international market.●

CONGRATULATIONS TO THE BOSTON UNIVERSITY MEN'S HOCKEY TEAM ON WINNING THE NCAA DIVISION I NATIONAL CHAMPIONSHIP

• Mr. KERRY. Mr. President, I just want to take a moment to offer my congratulations to the Boston University men's hockey team who won the NCAA Division I national championship last weekend in Providence.

Led by Dorchester's own Chris O'Sullivan, who scored two goals and was named the Most Outstanding Player, the Terriers manhandled the powerful University of Maine Black Bears to win the championship. Goalie Tom Noble made 21 saves, Center Steve Thornton scored a goal and had an assist, and Capt. Jacques Jourbet scored a goal.

The Terriers were superb in the clutch this year, winning the Beanpot, the last at the hallowed Boston Garden, the hockey east championship, and now the national championship, Mr. President, you can not do any better than that.

Coach Jack Parker brings the NCAA ice hockey championship back to Boston University for the first time since 1978. He has done much to generate pride at B.U., and this year's accomplishment is something else that justly continues that tradition.

The B.U. hockey team has made all of us proud with their outstanding play. I offer my congratulations to the team, the head coach and his colleagues, and the university. •

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. MCCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Drew Onufer, a member of the staff of Senator SIMON, to participate in a program in Korea sponsored by the Korean Ministry of Foreign Affairs.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Onufer in this program.

The select committee received notification under rule 35 for Sharon Waxman, a member of the staff of Senator LAUTENBERG, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to 18, 1995.

The committee determined that no Federal statute or Senate rule would

prohibit participation by Ms. Waxman in this program.

The select committee received notification under rule 35 for Jeremy Preiss, a member of the staff of Senator PACKWOOD, to participate in a program in Chile sponsored by the Chilean-American Chamber of Commerce from April 17 to 20, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Preiss in this program.

The select committee received notification under rule 35 for Michelle Raines, a member of the staff of Senator COATS, to participate in a program in Taiwan sponsored by the Soochow University.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Raines in this program.

The select committee received notification under rule 35 for David Miller, a member of the staff of Senator BROWN, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Miller in this program.

The select committee received notification under rule 35 for Philip Bechtel, a member of the staff of Senator D'AMATO, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bechtel in this program.

The select committee received notification under rule 35 for Tom Harvey, a member of the staff of Senator SIMPSON, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harvey in this program.

The select committee received notification under rule 35 for Tamara Somerville, a member of my staff, to participate in a program in Taiwan sponsored by the Tamkang University April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Somerville in this program.

The select committee received notification under rule 35 for Allison Cleveland, a member of the staff of Senator CRAIG, to participate in a program in Taiwan sponsored by the Chinese Cultural University from April 14 to 21, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cleveland in this program.

The select committee received notification under rule 35 for Alison Carroll, a member of the staff of Senator LOTT, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Carroll in this program.

The select committee received notification under rule 35 for Edward Gresser, a member of the staff of Senator BAUCUS, to participate in a program in Taiwan sponsored by the Tamkang University from April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Gresser in this program.

The select committee received notification under rule 35 for Erica Gum, a member of the staff of Senator DOMENICI, to participate in a program in Korea sponsored by the A-san Foundation from April 15 to 22, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Gum in this program.

The select committee received notification under rule 35 for Walter Lohman, a member of the staff of Senator MCCAIN, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to 18, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lohman in this program.

The select committee received notification under rule 35 for Mary Irace, a member of the staff of Senator MACK, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to 21, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Irace in this program.

The select committee received notification under rule 35 for Todd Menotti, a member of the staff of Senator PRYOR, to participate in a program in Taiwan sponsored by Tamkang University from April 9 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Menotti in this program. •

TRIBUTE TO VINCE YANNONE

• Mr. BAUCUS. Mr. President, I rise today to honor a man who has made a lifework in preserving one of Montana's hallmarks, one of the things that has earned it renown as "the Last Best Place"—our wildlife.

This May Vince Yannone retires from the Department of Fish, Wildlife, and Parks. But he is not retiring from working with wildlife and our fellow

Montanans. And his legacy will certainly live on, as the schoolchildren he has worked with rediscover the joys of the Montana outdoors and the value of our wildness.

Vince is legendary in Helena and throughout Montana. For a quarter century now, Vince has educated Montanans, young and old alike, on the ways of the wild. He spearheaded Montana's Project WILD, which teaches Montana's youth how to think about natural resource issues. He has received commendations from the Governor and from local media.

Vince will not have an easy time escaping Helena's limelight. He is a public personality, having hosted a daily television program called "Nature Today" for 12 years. He currently hosts another show called "Getting Out in Montana." Almost daily, Vince serves as the master of ceremonies at some local banquet or gathering.

But the notoriety Vince has received during his service has not affected his friendly Montanan attitude. As he walks along the streets of Helena, everyone recognizes him. He makes a stranger feel like a welcome friend. That is what people notice first about him: Vince is a good person and a good friend—two qualities that mean a lot more in Montana than being a public personality.

Vince received the "call of the wild" at an early age. And it is not a calling he is soon to get rid of—since in his so-called retirement he will be working for the Rocky Mountain Elk Foundation and completing the construction of a new wild animal shelter in Helena. He has been with what used to be known as the Montana Department of Fish and Game since his twenties.

Vince does not protect wildlife in some abstract, theoretical way—say, by preaching about the importance of species protection without ever visiting the Flathead National Forest. He helps place orphaned wildlife in zoos and shelters across the country. He also takes injured animals into his home, and helps the ailing critters back to health.

The State highway patrol has his number on their dashboards. Not because he is on the most wanted list. It is because whenever they find road kill near his home in Clancy, Vince uses the remaining carcass to feed whatever wild things might be lurking in his back yard—which these days consists of some eagles, owls, and ravens.

The thing that strikes a person most about Vince is his well developed sense of compassion. It is that sense of purpose that has kept him going through the years. It has made the late-night calls from bar-room wranglers arguing animal trivia more tolerable.

The Helena Independent Record, my hometown newspaper, did a series of stories about Vince when he announced his retirement. The one that caught my attention was about a 180-pound moose calf that Vince was raising on his property.

Vince was away at a movie with his wife, Sue, as the babysitter watched his two daughters, Jennifer and Christine. The babysitter ended up having to take care of the moose as much as the kids. When it got hungry for milk, the moose snuck into the window of their home.

Vince was more than a little surprised when he received a call at the theater, even more surprised when it was his babysitter telling him that Bullwinkle was roaming his house.

But events like these are all in a day's work for Vince. I hear he is writing a book about his memorable events in raising wild animals. If the moose incident is any indication, I am anxious to read the rest of his memoirs.

With his book project and other jobs to be done, I do not think it needs to be said that Vince Yannone is not settling snugly into retirement. Like other great Montanans—Mike Mansfield, who at 92 decided to cut back his schedule to a 5 day workweek, and Norman Maclean, who preached an anti-shuffleboard philosophy up until his death—Vince continues to work to improve the lives of those around him. Human and animal. I wish him and his family the best.●

#### DIESEL TAX

● Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senator BREAUX and Senator CHAFEE, by cosponsoring S. 478, a bill that will correct the diesel fuel problem affecting the boating community, ports, and marinas in my home State of Washington and across the nation.

The problem results from the 24.4 cents per gallon tax imposed by the Omnibus Budget Reconciliation Act of 1993 on diesel fuel used in recreational boats. The bill mandated two types of fuel: clear, taxable fuel used in recreational boats and dyed, nontaxable fuel used in commercial boats. By law, the dyed nontaxable commercial diesel fuel cannot be sold to the recreational boaters.

These changes have wreaked havoc on the boating communities in Washington State. Many marinas are not equipped with the two separate tanks necessary to store the two different types of fuel. Unable to afford the exorbitant expense of new fuel tanks and dispensing equipment, these marinas are faced with the difficult choice of whether to sell only dyed fuel, tax free to commercial vessels, or taxable, clear fuel, to recreational vessels.

Since many marinas rely on commercial boats for a majority of their business, they choose to sell diesel fuel to commercial vessels. This leads to a severe shortage of diesel fuel available to recreational boaters.

This is not only a problem for recreational boaters, but also for marinas, which are forced to turn away part of their consumer base. These regulations do not promote jobs and economic opportunities for the employees of these businesses. It is outrageous for a small

business owner to have to turn away good business.

Faced with a severe shortage of fuel, recreational boaters are forced to travel hundreds of miles to find fuel. This creates a safety hazard, as boaters could end up stranded on their way to find fuel or be required to carry large amounts of extra fuel on board.

Last year, I introduced an amendment that would have temporarily resolved the burdensome problem facing boaters and marinas. The amendment passed overwhelmingly in the Senate, but, unfortunately, was killed in the House. Therefore, we have the same problem today as we did last summer. The only way to permanently fix this problem is to pass S. 478.

S. 478 will allow marinas to purchase the dyed fuel, collect the tax from the recreational boaters and pay the tax directly to the Government. It will solve the problem of inadequate fuel facilities for recreational boaters and remedy the problems faced by marinas and ports.

With the boating season soon approaching, we need to correct this problem now. That is why I cosponsored S. 478. I encourage my colleagues to keep me pass this bill and bring relief to our boating communities.●

#### TRIBUTE TO THE CHATTANOOGA NEIGHBORHOOD ENTERPRISE

● Mr. FRIST. Mr. President, I rise today to commend the Chattanooga Neighborhood Enterprise, Inc. for its innovative approach to revitalizing old neighborhoods and providing affordable housing and low and moderate income families.

The neighborhood enterprise was created in 1986 to provide the opportunity for all Chattanoogaans to live in decent, fit, and affordable housing, and CNE is fulfilling that mission by lending money to homebuyers, advocating homeownership, developing and managing affordable housing, and helping revitalize old neighborhoods.

Mr. President, more than 71 percent of all families within the city limits of Chattanooga make \$35,000 or less each year. With many of the city's older residential neighborhoods in decline, the Chattanooga Neighborhood Enterprise realized that community and local business investment could revive these areas and allow more families to achieve their dreams of owning a home.

Since 1986, CNE has produced, rehabilitated or financed more than 2,500 units of housing in Chattanooga, and it manages more than 300 units of rental housing. Not only does it assist homeowners, homebuyers, the elderly, single-parent families, the disabled and the homeless in the inner-city area, CNE also helps families in the metro area and remote areas of Hamilton County. The neighborhood enterprise is helping to break the cycle of poverty for many permanent residents of public housing by giving them an affordable

alternative. Currently, about 15 percent of CNE's customers were once residents in the city's public housing.

By making community involvement a top priority, the Chattanooga Neighborhood Enterprise has become a shining example of how public-private partnership can more effectively provide the same, if not better, services and help the people who truly need it. At a time when the Department of Housing and Urban Development has come under serious scrutiny, it is refreshing to know that low-income families in Chattanooga have an alternative.

Mr. President, this successful housing program receives funding from Government agencies, private corporation, and foundations alike. With a \$21 million budget in 1994, Chattanooga Neighborhood Enterprise has much more money to spend on the city's housing than HUD does, and private sector involvement prevents it from becoming the ineffective bureaucracy characteristic of many government agencies.

In helping Chattanooga's residents find quality affordable housing, the neighborhood enterprise also helps the city of Chattanooga. As areas of the city are restored and families move in, the amount of tax money the city receives increases. In fact, each year, the city brings in more than \$1.2 million in tax money that can be directly attributed to the work of the Chattanooga Neighborhood Enterprise.

The Chattanooga Neighborhood Enterprise has touched the lives of thousands of Chattanoogaans and for that, Mr. President, I commend them for their hard work and dedication.●

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MEASURE PLACED ON THE  
CALENDAR—H.R. 1345

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 1345, just received from the House, be placed on the calendar.

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

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ORDERS FOR WEDNESDAY, APRIL  
5, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, April 5, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that there then be a period for routine morning business until the hour of 11:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DOMENICI for up to 20 minutes; Senator DASCHLE or designee for up to 30 minutes; Senator SIMPSON for up to 10 minutes; Senator KERREY for up to 10 minutes; Senator COVERDELL for up to 15 minutes; Senator NUNN for up to 10 minutes; and Senator COATS for up to 10 minutes.

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

Mr. DOLE. I further ask that at the hour of 11:30, the Senate resume consideration of H.R. 1158, the supplemental appropriations bill.

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

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PROGRAM

Mr. DOLE. Mr. President, a cloture motion was filed on the substitute amendment to the appropriations bill today.

We have been, throughout the afternoon, trying to figure out if we can reach some agreement. We have been working with the Democratic leader, Senator DASCHLE, in good faith on both sides, to see if we can come to some closure.

We have also had discussions through Senator LOTT with some of the Members of the House that will be critical in trying to get a conference report finished on the rescission bill. It is my hope that tomorrow morning we may be able to reach some agreement. If not, the cloture motion then would ripen on Thursday morning.

I do not see any other way of dealing with 100 and some amendments at this point if we intend to complete action on this bill and on the other defense supplemental, on the DC bill, on paper

simplification, and perhaps other items on which we can agree.

So a cloture motion was filed on the substitute amendment to the appropriations bill just a few moments ago, and if we cannot reach an agreement there will be a cloture vote on Thursday.

It is my hope that if Members feel constrained to offer amendments to the bill, they will be prepared to offer those amendments tomorrow to expedite action on the bill. And I would also say that if we complete action on everything on Thursday, we would probably either not be in session on Friday or have a session where there would be no legislative business conducted or only a pro forma session. It may be that some people might want to speak on Friday. Hopefully, we might have everything done so there would be no legislative business on Friday. But that will depend, of course, on the cooperation we have on both sides.

There are a number of things going on as we speak to see if there is some way we can come together and some way we could complete action on this bill. We are talking about a \$15 billion rescission package in the Senate, \$17 billion in the House. If it is not completed before the recess, it seems to me that much of that money will be spent by the time we are back so we could lose, it has been estimated, maybe \$1.5 to \$2 billion—if we do not act before the recess. So hopefully we could have final disposition fairly soon; we could still have the conference completed and vote on the conference report either Thursday night or Friday morning. And hopefully, if we did that on Friday morning, it could be done without the necessity of a rollcall vote.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. DOLE. Is there any further business to come before the Senate? If not, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, April 5, 1995, at 9:30 a.m.