

On page 128, add a new section to the bill: "SEC. . None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991, Memorandum from the General Counsel of the Department of Housing and Urban Development of all Regional Counsels or until such time that HUD issues a final rule in accordance with 5 U.S.C. 553."

FEINSTEIN AMENDMENT NO. 2804

Mr. BOND (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2099, supra; as follows:

At the appropriate place in title II, insert the following new section:

SEC.—CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

- (1) in paragraph (4)—
 - (A) by inserting "reconstruction," after "removal,"; and
 - (B) by striking "acquisition for rehabilitation, and rehabilitation" and inserting "acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation";
- (2) in paragraph (13), by striking "and" at the end;
- (3) by striking paragraph (19);
- (4) in paragraph (24), by striking "and" at the end;
- (5) in paragraph (25), by striking the period at the end and inserting "; and";
- (6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and
- (7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

WARNER (AND NICKLES) AMENDMENT NO. 2805

Mr. BOND (for Mr. WARNER, for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2099, supra; as follows:

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

SEC. 3. EPA RESEARCH AND DEVELOPMENT ACTIVITIES AND STAFFING.

(a) STAR PROGRAM.—The Administrator of the Environmental Protection Agency may not use any funds made available under this Act to implement the Science to Achieve Results [STAR] Program unless—

- (1) the use of the funds would not reduce any funding available to the laboratories of the Agency for staffing, cooperative agreements, grants, or support contracts; or
- (2) the Appropriations Committees of the Senate and House of Representatives grant prior approval. Transfers of funds to support STAR activities shall be considered a reprogramming of funds. Further, said approval shall be contingent upon submission of a report to the Committees as specified in section (c)(2) below.
- (b) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency may not use any funds to—
 - (1) hire employees and create any new staff positions under the contractor conversion program in the Office of Research and Development.
 - (c) REPORT.—Not later than January 1, 1996, the Administrator shall submit to the

Appropriations Committees of the Senate and House of Representatives a report which—

- (1) provides a staffing plan for the Office of Research and Development indicating the use of Federal and contract employees;
- (2) identifies the amount of funds to be reprogrammed to STAR activities; and
- (3) provides a listing of any resource reductions below fiscal year 1995 funding levels, by specific laboratory, from Federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR Program.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 2806

Mr. BOND (for Mr. MOYNIHAN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 43, between lines 13 and 14, insert the following:

"The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York."

BOND AMENDMENT NO. 2807

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 130, strike out the matter beginning with line 19 through line 2 on page 131, and insert in lieu thereof the following: "For necessary expenses for the Corporation for National and Community Service in carrying out the orderly terminations of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103-82), \$6,000,000: *Provided*, That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General."

FEINGOLD AMENDMENT NO. 2808

Mr. BOND (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . REPORT ON IMPACT OF COMMUNITY DEVELOPMENT FUNDS ON PLAN RELOCATIONS AND JOB DISLOCATION.

Not later than October 1, 1996, the Secretary of the Department of Housing and Urban Development shall submit to the appropriate Committees of the Congress a report on—

- (1) the extent to which funds provided under section 106 (Community Development Block Grants), section 107 (Special Purpose Grants), and Section 108(q) (Economic Development Grants) of the Housing and Community Development Act of 1974, have been used to facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant and result in the relocation or expansion of a plant from one state to another;
- (2) substantial the extent to which the availability of such funds has been a factor in the decision to relocate a plant from one state to another;
- (3) an analysis of the extent to which provisions in other laws prohibiting the use of federal funds to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of such plant and the relocation or expansion of a plant have been effective; and

(4) recommendations as to how federal programs can be designed to prevent the use of federal funds to facilitate the transfer of jobs from one state to another.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

CRAIG AMENDMENT NO. 2809

(Ordered to lie on table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in title I, insert the following new section:

SEC. . None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 12 (HO 12) with respect to the placement or loading of materials by a person under 18 years of age into a cardboard baler that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and a compactor that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

ABRAHAM AMENDMENT NO. 2810

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:

On page 48, lines 15 and 16, strike "titles III and IV of the Goals 2000: Educate America Act" and insert "the Educational Choice and Equity Act of 1995".

On page 48, strike lines 18 through 20, and insert the following:

\$432,500,000, of which \$280,000,000 shall be available to carry out the Educational Choice and Equity Act of 1995, \$30,000,000 shall be available to the Secretary of Education for grants to States to enable such States to support charter school programs, and \$122,500,000 shall be available to carry out the School-to-Work Opportunities Act of 1994, shall become available on July 1,

On page 48, line 21, strike the colon and insert a period.

On page 48, beginning with line 22, strike all through page 49, line 2.

On page 58, line 4, insert "and" after "of title X,".

On page 58, lines 6 and 7, strike "and title VI of the Goals 2000: Educate America Act,".

On page 68, strike lines 19 through 22.

On page 108, between lines 15 and 16, insert the following:

TITLE —EDUCATIONAL CHOICE AND EQUITY

SEC. 01. SHORT TITLE.

This title may be cited as the "Educational Choice and Equity Act of 1995".

SEC. 02. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools their children will attend.

SEC. 03. DEFINITIONS.

As used in this title—

(1) the term “choice school” means any public or private school, including a private sectarian school or a public charter school, that is involved in a demonstration project assisted under this title;

(2) the term “eligible child” means a child in grades 1 through 12 who is eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the term “eligible entity” means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in this application under this title;

(4) the term “evaluating agency” means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(5) the term “local educational agency” has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(6) the term “parent” includes a legal guardian or other individual acting in loco parentis;

(7) the term “school” means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(8) the term “Secretary” means the Secretary of Education.

SEC. 04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$600,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out this title.

SEC. 05. PROGRAM AUTHORIZED.

(a) **RESERVATION.**—From the amount appropriated pursuant to the authority of section 04 in any fiscal year, the Secretary shall reserve and make available to the Comptroller General of the United States 2 percent for evaluation of the demonstration projects assisted under this title in accordance with section 11.

(b) **GRANTS.**—

(1) **IN GENERAL.**—From the amount appropriated pursuant to the authority of section 04 and not reserved under subsection (a) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out at least 100 demonstration projects under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

(2) **AMOUNT.**—The Secretary shall award grants under paragraph (1) for fiscal year 1996 in amounts of \$5,000,000 or less.

(3) **CONTINUING ELIGIBILITY.**—The Secretary shall continue a demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) **USE OF GRANTS.**—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of com-

plying with section 09(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received under the grant for the first fiscal year for which the eligible entity provides education certificates under this title or 10 percent of such amount for any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the amount of, and issuing, education certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section 11.

(d) **SPECIAL RULE.**—Each school participating in a demonstration project under this title shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin.

SEC. 06. AUTHORIZED PROJECTS; PRIORITY.

(a) **AUTHORIZED PROJECTS.**—The Secretary may award a grant under this title only for a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1124A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334); and

(B) is among the 20 percent of local educational agencies receiving funds under section 1124A of such Act (20 U.S.C. 6334) in the State that have the highest number of children described in section 1124(c) of such Act (20 U.S.C. 6333(c)); and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) **PRIORITY.**—In awarding grants under this title, the Secretary shall give priority to demonstration projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to the geographic diversity of demonstration projects assisted under this title, including awarding grants for demonstration projects in States that are primarily rural and awarding grants for demonstration projects in States that are primarily urban.

SEC. 07. APPLICATIONS.

(a) **IN GENERAL.**—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) **CONTENTS.**—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the eligible entity for participation in the demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the eligible entity to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children;

(B) a description of the types of potential choice schools that will be involved in the demonstration project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this title than the choice school does for other children;

(E) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this title, an educational program similar to the educational program for which such choice school will accept such education certificates;

(F) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept education certificates under this title as full or partial payment for tuition and fees;

(3) with respect to the participation in the demonstration project of eligible children—

(A) a description of the procedures to be used to make a determination of the eligibility of an eligible child for participation in the demonstration project, which shall include—

(i) the procedures used to determine eligibility for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility of an eligible child for such participation;

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will—

(i) apply the same criteria to both public and private school eligible children; and

(ii) give priority to eligible children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

(i) the number of parents provided education certificates under this title who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

(ii) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this title; and

(D) a description of the procedures to be used to ensure compliance with section 09(a)(1), which may include—

(i) the direct provision of services by a local educational agency; and

(ii) arrangements made by a local educational agency with other service providers;

(4) with respect to the operation of the demonstration project—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of education certificates under this title;

(D) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this

title for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

(E) a description of the procedures to be used to provide the parental notification described in section 10;

(F) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 11; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. 08. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) AMOUNT.—The amount of an eligible child's education certificate under this title shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this title an eligible entity shall consider—

(i) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

(ii) the cost of complying with section 09(a)(1).

(B) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this title was attending a public or private school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this title the eligible entity shall consider—

(i) the tuition charged by such school for such eligible child in such preceding year; and

(ii) the amount of the education certificates under this title that are provided to other eligible children.

(3) SPECIAL RULE.—An eligible entity may provide an education certificate under this title to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with section 09(a)(1).

(b) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this title to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also

be adjusted in any fiscal year to comply with section 09(a)(1).

(c) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

(d) INCOME.—An education certificate under this title, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 09. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA; CONSTRUCTION PROVISIONS.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—An eligible child participating in a demonstration project under this title, who, in the absence of such a demonstration project, would have received services under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(3) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this title may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(b) USE OF SCHOOL LUNCH DATA.—Notwithstanding section 9 of the National School Lunch Act (42 U.S.C. 1751 et seq.), an eligible entity receiving a grant under this title may use information collected for the purpose of determining eligibility for free or reduced price lunches to determine an eligible child's eligibility to participate in a demonstration project under this title and, if needed, to rank families by income, in accordance with section 07(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(c) CONSTRUCTION PROVISIONS.—

(1) OTHER INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit—

(A) any eligible entity receiving funds under this title from using such funds to pay the administrative costs of a demonstration project under this title; or

(B) the expenditure in or by religious or other private institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

(3) PROHIBITION OF FEDERAL DIRECTOR, SUPERVISION OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any employee, officer, or agency of the Department of Education to exercise any direction, supervision, or control over the cur-

riculum, program of instruction, or personnel decisions of any educational institution or school participating in a demonstration project assisted under this title.

SEC. 10. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each choice school participating in the demonstration project, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

SEC. 11. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration projects under this title.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section 12(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the demonstration projects under this title. Such criteria shall provide for—

(1) a description of the implementation of each demonstration project under this title and the demonstration project's effects on all participants, schools, and communities in the demonstration project area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the demonstration project; and

(2) a comparison of the educational achievement of all students in the demonstration project area, including a comparison of—

(A) students receiving education certificates under this title; and

(B) students not receiving education certificates under this title.

SEC. 12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this title shall submit to the evaluating agency entering into the contract under section 11(a)(1) an annual report regarding the demonstration project under this title. Each

such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 11(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—

(A) the annual evaluation under section 11(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration projects under this title that summarizes the findings of the annual evaluations conducted pursuant to section 11(a)(2).

SEC. 13. REPEAL.

(a) AMENDMENT.—The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

(b) RECOMMENDED LEGISLATION.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the appropriate committees of the Congress, shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the amendment made by subsection (a).

(2) SUBMISSION DATE.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit the recommended legislation referred to under paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. 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 Wednesday, September 27, 1995, at 9 a.m., in SR-332, to mark up the committee's budget reconciliation instructions.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 27, 1995, to conduct a markup of S. 650, the Economic Growth and Regulatory Paperwork Reduction Act of 1995.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, September 27, 1995, session of the Senate for the purpose of conducting a hearing on S. 1239, the Air Traffic Management System Performance Improvement Act of 1995.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nomination hearing to receive testimony from Kathleen A. McGinty to be a member of the Council on Environmental Quality, Wednesday, September 27, at 9:30 a.m., Hearing Room (SD-406).

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, September 27, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 1995, at 2 p.m. to hold a hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

PRISON, PROBATION ROLLS SOARING

• Mr. SIMON. Mr. President, as we move toward consideration of the Senate Commerce, Justice, State appropriations bill, which increases funding for State prison construction by \$250 million and allocates not one penny for crime prevention programs, it is important to take time to examine our current policies and consider our direction.

The Justice Department recently released a survey of our Nation's prisons, jails, parole, and probation services. According to the report, a record 5.1 million Americans—2.7 percent of all adults—were behind bars, on probation or on parole in 1994. Last year the Justice Department reported that we passed the mark of having 1 million people in prison. That puts the United States in the dubious position of having the second highest incarceration rate in the industrialized world. As our prison population has soared, our crime rate has been unaffected. Before we allocate scarce resources on more prisons, it makes sense to consider our alternatives and consult with experts.

Last December, I sponsored a survey of wardens and inmates in eight States in an effort to inform this debate. Rather than an all-or-nothing distribution of funds, when asked how they would spend an extra \$10 million to fight crime in their communities, wardens split the money evenly: 43 percent on prevention and 57 percent on punishment. Even the 1994 crime bill fell

far short of this equation, spending 75 percent of its funding on punishment and a mere 25 percent for prevention programs. This appropriations bill would further the imbalance by denying any funds for the crime bill's prevention programs.

Mr. President, I ask that a Chicago Sun-Times article on the Justice Department survey be included in the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Aug. 28, 1995]
PRISON, PROBATION ROLLS SOARING: TOTAL HITS 5.1 MILLION, 2.7 PERCENT OF ALL ADULTS
(By Alan C. Miller)

WASHINGTON.—A record 5.1 million Americans—2.7 percent of the nation's adult population—were behind bars, on probation or on parole last year, the Justice Department reported Sunday.

Since 1980, state and federal prison populations have increased by 213 percent, and probation rolls have jumped by 165 percent. The average annual rate of growth has been 7.6 percent; the figure for 1994 was 3.9 percent.

Nearly 3 million people were on probation as of last Dec. 31, a Bureau of Justice Statistics study found.

Half of those on probation were found guilty of committing a felony; one in seven had been convicted of driving under the influence of alcohol.

Another 690,000 people were on parole, or conditionally released under supervision, after serving a prison term. Parolees can be returned to prison for violating a set of rules or committing another offense. All but 5 percent had served time for felonies.

The Justice Department survey found that 82 percent of those on probation and parole had maintained regular contact with a supervising agency as required. Another 9 percent had failed to report or could not be located. The rest were not required to maintain regular contact.

Texas had the most people on probation and parole, 503,000—more than 3.8 percent of the state's adults. California followed with 370,000.

Illinois had about 103,000 people on probation and parole.

Twelve states and the federal probation system showed a decrease in the number of people on probation. The biggest decrease was in South Dakota, down 6.2 percent, followed by California, down 5.8 percent.

The figures show that a higher percentage of men and white people are on probation than are in the prison system. Women make up 21 percent of all probationers and only 6 percent of all prisoners. Blacks make up 32 percent of those on probation and 50 percent of the prison population.

Half of those in prison have committed a violent crime; 80 percent have previous convictions.

Prisons are running at 20 percent over capacity, and thus more than 4 percent of those sentenced to prison terms are being held in local jails despite considerable prison construction, forcing the early release of some inmates, said Lawrence A. Greenfeld, a deputy director of the Bureau of Justice Statistics.

Criminal justice experts said the sharp increases reflect tougher sentencing on a range of crimes as well as a greater proportion of drug arrests involving longer prison terms.

At the same time, they said the consequent pressure to ease congestion in packed prisons and jails has led to expanded use of alternatives to incarceration or early release.