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No. 172

House of Representatives

The House met at 10 a.m.

The Reverend Lou Sheldon, Traditional Values Coalition, Washington DC, offered the following prayer:

Loving and living Lord, we greet You in the name of Jesus Christ. Our hearts and minds stand in awe of Your creative order of all things.

Please convert our hearts to believe and obey Your ways as taught in the Holy Scriptures.

We know that life is so short and Your desire is for all people to come to a saving knowledge of Your redeeming grace and have a personal relationship to You.

Forgive us for our sins and lead us to reject temptation in our lives. May we become sensitive to those with whom we work, especially our wives, children, and family. Give us strength to help the helpless and love the hurting ones.

May we learn from Your Holy Word what is morally right and what is morally wrong. May we come to fully understand that the nation whose God is the Lord is the nation that shall be blessed. Amen.

THE JOURNAL

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

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

Mr. OBEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

WELCOME REV. LOU P. SHELDON

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

Mr. CALVERT. Mr. Speaker, it gives me great pleasure to welcome my dear friend, Rev. Lou Sheldon. We are all very blessed to have Reverend Sheldon with us today.

I want to thank him for his uplifting words of prayer for today's session. Indeed, we must pray each day for the strength to uphold the spiritual and moral principles that have guided our great Nation.

Since his ordination, Reverend Sheldon has pastored churches for more than 20 years. Today, he works tirelessly to educate and inform the 31,000 churches with whom he is affiliated. He has been a wise counselor and good friend to me.

His dedication to the Almighty and his strong moral convictions are an inspiration to us all. All of us are grateful for your good work and dedication to the Almighty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAMBLISS). The Chair will receive fifteen 1-minute on each side this morning.

ENDING WELFARE FOR LOBBYISTS

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

Mr. CHABOT. Mr. Speaker, the Wall Street Journal reports that by almost a 3-to-1 margin, the American people agree tax dollars should not be used to fund groups to lobby the Government. I certainly agree with that principle, and I believe that as part of our reforms, we have got to end welfare for lobbyists.

People in groups have every right to petition their Government. They ought to do more of it. But the American people should not have to pay more and more taxes so that some lobbying group that receives money from the Federal Government can spend more and more money up here lobbying to receive more and more money to come up here to lobby for more and more money. That is a vicious spending circle. It has got to stop. No wonder previous Congresses have been unable or unwilling to balance the budget.

Those trying to fight this much-needed reform say it is draconian. But 96 percent of the nonprofit groups who have not abused the process would not be offended. Let us pass this legislation now.

INDEPENDENT COUNSEL TO INVESTIGATE THE SPEAKER

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

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Ms. DELAURO. Mr. Speaker, the Ethics Committee investigation into allegations against Speaker GINGRICH makes the O.J. trial look like swift justice.

Since the beginning of this Congress, the Ethics Committee has been meeting to discuss the various charges against Mr. GINGRICH. The complexity of the charges coupled with the fact that they are leveled against the highest ranking Member of the House are two reasons why this inquiry has dragged on. They are also two reasons why we need an outside counsel to take over.

For several months, government watchdog groups like Common Cause and Public Citizen have been calling for the appointment of an outside counsel in this case. They believe, as I do, that the appointment of a fully independent, outside counsel is the only way to assure a fair, thorough, nonpartisan investigation of the Speaker. It is the only way to lift the ethical cloud that hangs over this House.

LOBBYING REFORM

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

Mr. NEY. Mr. Speaker, I just want to stand today and agree with my colleague, the gentleman from Ohio [Mr. CHABOT], who just told us about the importance of ending the subsidies that the American taxpayers pay for groups to lobby.

It is a critical issue. We are talking about lobbying reform. Currently, we are talking about PAC reform. These are important issues that should be discussed, but we should not have a fear because a group says you are stifling my voice.

Let us make it clear in this debate. This is an important issue. These are government dollars, taxpayers' dollars, that are going into these advocacy groups.

In recent research, what was told us is that 70 percent of Americans want to see this changed. We have got to address this in the debate. This has to come before the Halls of Congress. We also have to make it clear that these groups should be advocates for their position. A lot of these groups I agree with. They would be free to advocate their position, but the taxpayers of this country should be free from paying for it.

UNCLE SAM IS NOT THE WORLD'S POLICEMAN

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

Mr. TRAFICANT. Mr. Speaker, everybody wants peace in Bosnia, but that is not the only issue here. The issue is whether American troops should be the peacekeepers.

Now every time there is a problem in the world these foreign leaders bow down and call America the superpower. Yes, truly we are a superpower. But we are not the only power, ladies and gentlemen. I say, if peacekeepers are needed in Bosnia, where is Great Britain? Where is Italy? Where is Spain, ladies and gentlemen? All of a sudden did they become third-world pushovers? The Constitution did not make Uncle Sam the policeman for the world, and Congress should not make Uncle Sam the neighborhood crime watch leader, either.

I say, before one American gets sent to Bosnia, there must be a consent, approval, and authorization of the Congress of the United States of America.

A BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, what did my constituents send me to Washington to do? They sent me here to downsize the bloated Federal bureaucracy, cut spending, and most importantly balance the budget. And why do they want the budget balanced? Because of the benefits it will bring them.

A balanced budget means lower interest rates on home mortgages, car loans, and student loans. A balanced budget results in a stronger economy, which means more jobs. A balanced budget means that Government spending is under control and taxes will be cut rather than increased.

Mr. Speaker, for too long Washington bureaucrats have come up with excuse after excuse for not reigning in Government spending. But enough is enough. No more Washington gimmicks, and no more excuses. It is time to balance the budget. It is the right thing to do for America's future.

MEDICARE

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

Mr. GENE GREEN of Texas. Mr. Speaker, yesterday my Republican colleague followed me here and talked about the difference between the debt and the deficit.

Well, I know very well the difference between the debt and the deficit. I know we have almost a \$5 trillion debt. The deficit, though, in 1992 under a Republican President was \$290 billion. For that year, that deficit.

Last year it was only \$163 billion. That is what I call progress, and it was not done during the 1980's. In fact, during the 1980's, our debt exploded to that \$4.9 trillion or whatever it is.

But the truth is really out. We need to balance our budget, but we do not need to do it on the backs of education or Medicare, and that is wrong. That is what the American people are saying in all the polls.

Mr. Speaker, the comments of our Speaker and also the leader of the other body last Sunday in the Washington Post demonstrate the true sentiments of the Republicans on the Medicare plan. Cut health care for seniors as much as necessary to pay for that tax cut, not balancing the budget but for a tax cut.

□ 1015

It is disgusting to see a PR campaign used to provide for a tax cut. Mr. Speaker, I hope the conference committee and the President will veto that plan.

WHY WE ARE HERE

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

Mr. BARTLETT of Maryland. Mr. Speaker, with all of the speculation about whether the President will sign or veto the Congress' plan to balance the budget in 7 years, we need to remember why we need to balance the budget. A child born today must pay \$187,000 during her lifetime just to pay for the interest on the almost \$5 trillion national debt.

That is before paying for any government services—Social Security or Medicare for her parents and grandparents—or national defense for herself.

We have to balance the budget for our children's future. We have spent over \$5 trillion in Federal welfare programs since 1965 and Americans have concluded that the current welfare system perpetuates dependency and offers no hope for a better future.

We have to reform welfare because it is what Franklin Delano Roosevelt described as "a subtle destroyer of the human spirit."

While American families sent 2 percent of their income in taxes to Washington in 1950—today they send almost one-quarter.

That is why we must provide tax relief to families.

Without reform, Medicare will be bankrupt in 7 years with no legal authority to pay hospital bills for seniors.

These are the stakes.

Americans sent us to Washington to fix these problems.

I hope the President chooses to sign the only budget plan that will address these problems.

WHO PAYS FOR THE TAX CUT?

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

Mr. MILLER of California. Mr. Speaker, Members of the House, last week the Republicans voted to dramatically slash Medicare by \$270 billion, Medicaid by \$180 billion. They voted to raid the pension plans of

working men and women in this country and to slash educational opportunities for those who seek a college education.

Why did they do it? They did it so they can pay for a tax cut to the wealthiest people in this country. The vast majority of their tax cut goes to the upper 5 percent of the people in this country. They have asked the children, they have asked our college students, and they have asked our pensioners to pay for it.

They say if the President does not agree to it, they are going to force the Government to default. If the Government defaults now, they are going to ask the pensioners once again to pay for it. They are going to ask the retirees to pay again. They are going to ask those people who get an income tax refund to pay again. They are going to ask homeowners with mortgages to pay again. They are prepared to ask everybody to pay in the country, except the wealthiest people in this country, for that tax cut.

They should not be allowed to force this Government to default to provide an unfair tax cut to the wealthiest people in this country.

THE AMERICAN PEOPLE ARE TRYING TO SEND A MESSAGE

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

Mr. SCARBOROUGH. Mr. Speaker, I looked at the cover of the U.S. News and World Report which talks about the death of the Democratic Party. I think all you have to do is listen to the last speakers that have been up here to understand why.

A few speakers ago, we had somebody come to the floor and said he was disgusted with the tax cuts, that we should take pride in the fact the deficit has gone down over the past year or two. What he does not tell you is he is proud of what has happened in the past year or two because he voted for the largest tax increase in the history of the world. He voted for taxes on seniors who they claim to protect. He voted for tax increases on working men and women they claim to protect. He voted for taxes on middle-class people who they claim to protect. He voted for taxes on small businesses that create jobs.

Now it just absolutely amaze me that the Democratic Party despises the jobmaker but loves the jobs. I mean, let us get real here. Read the cover of U.S. News and World Report and figure something out.

The American people are trying to send a message, and that is, "Get government off our backs and lower out taxes."

AMERICA MUST BE CONCERNED ABOUT A DEFAULT

(Mr. DOGGETT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, a few days ago Speaker GINGRICH went to New York, and he stood defiant to default, proclaiming, "I don't care if we have no executive offices and no bonds for 60 days, not this time."

Well, in order to counter that kind of extremism, the Republicans got a couple of their big campaign contributors from Wall Street to come down here to Washington yesterday and tell them not to be concerned.

I would suggest the American people have every reason to be concerned if we continue to pursue this approach of, "It's NEWT'S way or no way, even if it means the first default in the history of this great Nation." Indeed, perhaps our Republican colleagues would be well advised to read this morning's Washington Post and the comments of one of their senior Members, our colleague, the gentleman from New York [Mr. HOUGHTON], who says, "I think the whole thing is nuts. Nobody knows the potential impact. If you play this hand and lose, you can really do a lot of damage."

It is like threatening to explode an atom bomb in your own backyard. Yes, that is the approach. These Gingrichites who defaulted to the people on Medicare ought not to default to the rest of America as well.

DEMANDING FURTHER INFORMATION ON THE WELFARE, WELL-BEING, AND WHEREABOUTS OF JOURNALIST DAVID ROHDE

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

Mr. LONGLEY. Mr. Speaker, I am pleased to report that this morning, about 3 hours ago, the United Nations confirmed that the American journalist, David Rohde, who has been reported missing in Bosnian Serb territory, is alive and in Serbian hands. According to Clayton Jones, international editor of the Christian Science Monitor, a high-level Bosnian Serb official informed the United Nations Mr. Rohde is being held in a Bosnian Serb stronghold of Polje.

Mr. Rohde, the Monitor's East European correspondent, has not been heard from since last Saturday. I think it is an important message to send to the Bosnian Serb Government that we demand an immediate accounting of Mr. Rohde's whereabouts, his health and safety, and that we want to make it absolutely clear they will be held responsible for his safety.

In the context of the peace talks that are currently beginning in Dayton, it seems to me the entire integrity of the process rests on whether in fact these governments actually control the territory that they presume to control, and I call for David Rohde's immediate release and return to this country.

THE BIGGEST PENSION RAID IN THE HISTORY OF THE COUNTRY

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

Mr. POMEROY. Mr. Speaker, 95 to 4, by a vote of 95 to 4 the Senate overwhelmingly rejected a House Republican proposal to remove solvency safeguards on private pension funds.

In the 1980's \$20 billion was yanked out of private pension funds, often the workers' own retirement funds, which were used to finance hostile takeovers that resulted in downsizing and restructuring, ultimately costing them their very jobs.

On three separate occasions, Congress put in place protections to preserve the solvency of these vital pension funds. Now, without so much as a hearing, House Republicans have sought to remove these protections so companies can yank money out of their pension funds. They estimate that \$40 billion will be pulled from private pension funds under their proposal.

When we sought a separate vote on this issue, we were rejected. It was included in the budget. And so now, without so much as a hearing, without so much as a separate vote, House Republicans are moving forward a proposal that would allow the biggest pension raid in the history of the country. They must be stopped.

AN HONORARY GEORGIAN FOR THE DAY

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

Mr. KINGSTON. Mr. Speaker, today we in the Georgia delegation pick up a new Member. To the young men and women from Magnificent High School, I know this is shocking.

But as your own gentleman from Ohio [Mr. HOKE], who for the day, as part of being on the losing side of the World Series, becomes an honorary Georgian. Here is State flag for him, a tomahawk. I am going to give him some of the other Georgia products off the floor, but in the meantime I yield to him, and I want him to show the American people that he is truly an Atlanta Brave for the day, and he is wearing a Braves tie.

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding, and I do thank him for this gift and these other gifts. These really are very thrilling, and of course I am fulfilling my side of a bet here.

Because I have to admit any team that could beat the team that had the very best record in all of baseball in the past 40 years, any team that could beat the team that had the highest batting average in the past 40 years of any baseball team, any team that could beat the team that won going away by

over 30 games this year, and I am talking about the Cleveland Indians, then the Atlanta Braves do deserve credit.

It was an agreement both with you and also with the Speaker of the House that if I lost these bets I would wear this tie for the day, and in addition, I am going to be sending pirogies to a hunger center on behalf of NEWT GINGRICH and some bratwurst and some other good Cleveland food, and I offer my congratulations to the Atlanta Braves, to the great people of Georgia, and if I do not get hives too badly, I will wear this all day pursuant to my agreement.

Mr. KINGSTON. You will wear it all day. You may want to wear it next season as well.

MEDICARE SHOULD NOT WITHER ON THE VINE

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

Ms. WOOLSEY. Mr. Speaker, Speaker GINGRICH may use warm and fuzzy words like "preserve" and "strengthen" when he is talking about Medicare in front of the cameras.

But when he is talking to the special interests, he sings a different tune.

Last week, he said that while the new majority did not get rid of Medicare in "round one * * * we believe it's going to wither on the vine." I repeat, wither on the vine.

Well, Mr. Speaker, I am from Marin and Sonoma Counties, CA—the home of the world's greatest grapes and wines—and I can tell you that the only things we let wither on the vine are grapes plagued by disease or ruined by drought.

Never, however, would the people of Sonoma and Marin Counties let Medicare—the root of economic and health security for seniors and their families—wither on the vine.

We know that Medicare must be cared for and preserved for generations to come.

Mr. Speaker, if there is anything rotten and sick around here that deserves to wither on the vine it is the Gingrich Medicare scheme, and not Medicare—one of the most popular and successful programs ever created.

OPPRESSION OF THE CUBAN PEOPLE CONTINUES

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

Ms. ROS-LEHTINEN. Mr. Speaker, while his decrepit road show passed through the United States, Cuban dictator Fidel Castro made a cynical statement during a pathetic rally in his support, sponsored by our Democrat colleague from the Bronx and attended by some other congressional groupies. Castro commented that "life changes," referring to his acceptance of foreign capitalist investment, to save his failed, repressive revolution.

Life might change for Castro in his desperation to keep power, but not for the Cuban people who continue mired in misery and oppression. In Cuba, human rights violations continue. Political persecution continues. State control over the economy and the press continues. Persecution against those who practice their religion continues. Nothing, nothing has changed over Castro's 37 years of tyranny.

Yes, life changes, but not for the oppressed people of Cuba. Life will only change for the Cuban people once the Communist tyrant is eliminated from power and the Cuban nation can reclaim its freedom.

INTRODUCTION OF THE NO- BUDGET, NO-PAY PLAN

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

Mr. DURBIN. Mr. Speaker, the Wall Street Journal reported this morning that by a margin of almost 2 to 1, American families are counting on President Clinton to veto the Gingrich budget plan. They know the Gingrich plan cuts Medicare too deeply. It hurts working families, and it cuts education and also cuts health care for the poor in this country. They want the President to reject it.

So how will Speaker GINGRICH put pressure on President Clinton? He will try to shut down the Government. For the first time in our history, the first time in the history of the Nation, Speaker GINGRICH wants the United States of America to default on its national debts. That is not only a disgrace, it is something that will hurt working families across America. It will raise interest rates, causing that mortgage payment to go up. It will mean in some instances people will not see their checks coming from the Government on time. That is disgraceful.

That is why I have introduced the no-budget, no-pay plan. Quite simply, if we follow the Gingrich idea, default, close down the Government, Members of Congress are not paid. Pretty simple, but I think Members of Congress will get the message.

WHERE ARE THE PRESIDENT'S COUNTERPROPOSALS?

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

Mr. ALLARD. Mr. Speaker, only in Washington do they describe an increase as a cut.

Mr. Speaker, the time has come to balance the budget and finally regain control of the ever expanding deficit. Not only have Republicans put forth a plan to balance the budget in 7 years but we have passed it through the House and the Senate. Now the President wants to veto the Republican plan. Well I just have one question. Where are his counter proposals?

President Clinton supports the Republican goals—a 7-year balanced budget, real welfare reform, middle class tax relief, and a sound Medicare system. The administration is trying to have it both ways. They agree with our principles but are unwilling to make the hard decisions necessary to achieve these goals. Americans are tired of the Washington gimmicks and political excuses—if the White House is serious about what they say, it is time to lay their plans on the table.

□ 1030

SAVE MEDICARE

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

Mrs. MALONEY. Mr. Speaker, I could stand here and tell you that Republicans in Congress want to end Medicare.

But do not take it from me.

Take it from them.

Here is what the Speaker said about Medicare to a group of insurance lobbyists:

Now, we don't get rid of it in round one because we don't think that's politically smart and we don't think that's the right way to go through a transition period. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

In a recent campaign speech, the leader of the other body bragged, and I quote:

I was there, fighting the fight, voting against Medicare, one out of twelve, because we knew it would not work in 1965.

Well, Medicare turned out to be one of the most successful Government programs in American history.

The Republicans say they want to save Medicare.

I say, we need to save Medicare from the Republicans.

UNITED STATES COURTING INTERNATIONAL DISASTER

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

Mr. MICA. Mr. Speaker, the United States under the misguided leadership of President Clinton, is courting another international disaster. President Clinton did not learn in Somalia, where he turned a humanitarian mission into a bungled fiasco, costing dozens of lives and billions of dollars.

President Clinton did not listen when he sailed into Port-au-Prince Harbor and then retreated, leaving us with hundreds of Haitian opponents dead and a costly legacy for which the American taxpayer is still paying billions.

President Clinton did not hear the pleas for a Pan African force to prevent

and preempt a slaughter in Rwanda, where nearly 1 million died, and now we are still paying the United Nations billions.

President Clinton did not support the lifting of an arms embargo to allow Bosnians to defend themselves, and thousands died, and now we are paying the United Nations and NATO billions.

President Clinton still did not get the message when 315 Members of this Congress said we do not want 20,000 American troops in Bosnia, we do not want Americans killed and held hostage, we do not want our military under the U.N. command, and we do not want to spend billions on another fiasco.

REPUBLICANS CUTTING MEDICARE

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

Mrs. CLAYTON. Mr. Speaker, in 1965, Democrats enacted Medicare into law over the objections and strong opposition of the Republicans. That was then; this is now.

Then, in 1965, before Medicare, 50 percent of America's elderly had no health care insurance.

Now, in 1995, 99 percent, almost everyone, of our seniors have health care insurance.

Then, in 1965, almost one-third of all senior citizens lived in poverty.

Now, in 1995, the poverty rate among elderly Americans had declined to a little more than one-tenth.

According to all reliable information, the Republicans are cutting Medicare by at least \$100 billion more than the trust fund needs for solvency.

That is now.

Then, in 1965, the Republicans paid no attention to the solvency of Medicare. They fought and voted against the program. One can but imagine what they will do now that they are pushing us back to then.

TRAVEL AND TOURISM

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

Mr. ROTH. Mr. Speaker, sometimes here in Congress the really important events go unnoticed, so I want to report to the Congress that the travel and tourist industry, the largest employer in each one of your districts, met here for a White House conference. The President, the Vice President, the Speaker, and key leaders, appeared before the conference.

Travel and tourism provides more jobs in America than any other industry except one. Travel and tourism stood united in its request that we in Congress help establish a private-public partnership, a bold, new, innovative approach, and, in the transition period, to agree with the Senate appropriation request for the U.S. Travel and Tourism Administration.

I ask Members to focus on travel and tourism in their respective districts. While we know of many industries which are downsizing or have downsized, here is one industry that is growing, and the growth potential is nothing short of phenomenal.

MEDICARE CUTS OFFENSIVE

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

Mr. FRAZER. Mr. Speaker, I rise in opposition to the views regarding Medicare that my colleagues on the other side of the aisle have consistently taken.

The leader of the other body says that Medicare has never worked and he is proud that he opposed its creation 30 years ago; further he supports its dismantling today.

In this body, the Speaker has said that this is the first step to dismantling the program entirely. He also states that this is the road toward historic change. If this is the road toward historic change, then I hope the record clearly reflects who was responsible for the new course America took regarding the disabled and senior citizens health care services. It is not fair to our elderly who have invested in a health care system for decades to spend their golden years wondering if they can afford to pay for a prescription.

These cuts in Medicare are outrageous and I hope that the President will veto this offensive legislation.

REPUBLICAN LIMBO DANCE

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

Ms. PELOSI. Mr. Speaker, the exercise that we are going through here in this budget battle reminds me of the limbo. How far will the Republicans go to give a tax break to the wealthiest Americans?

First we see the pole at a level they have to go under where they will affect America's seniors, cutting benefits to seniors while increasing their premiums in Medicare. Next, Medicaid, where they remove a guarantee for health care to America's seniors, at the same time removing standards for nursing homes.

Let us move that pole down as the Republicans come around in this dance again, and see what they do for children. Reductions in school nutrition programs, reductions in student aid programs, removing millions of children from guaranteed health care while removing Medicare as an entitlement for them. And what about those children's families? Here they come again, lower the pole in this limbo dance. How low can you go to give a tax break to the wealthiest Americans, while raising taxes on millions of Americans under \$30,000 a year?

Mr. Speaker, today it even gets worse. In addition to this limbo dance, today the Republicans are going to hit Americans where they live by cutting over \$5 billion in housing, and that, Mr. Speaker, shows just how low they will go to increase homelessness in order to give a tax break to the wealthiest Americans.

Mr. Speaker, I urge our colleagues to vote "no" on this bill today.

THE JOURNAL

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

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 88, answered "present" 1, not voting 26, as follows:

[Roll No. 760]

YEAS—317

| | | |
|--------------|---------------|---------------|
| Ackerman | Chenoweth | Furse |
| Allard | Christensen | Gallegly |
| Andrews | Chrysler | Ganske |
| Archer | Clement | Gekas |
| Army | Clinger | Geren |
| Bachus | Coble | Gilchrest |
| Baesler | Collins (GA) | Gilman |
| Baker (CA) | Combest | Gonzalez |
| Baker (LA) | Cooley | Goodlatte |
| Baldacci | Cox | Goodling |
| Ballenger | Coyne | Gordon |
| Barcia | Cramer | Goss |
| Barr | Crapo | Graham |
| Barrett (NE) | Creameans | Greenwood |
| Barrett (WI) | Cubin | Gunderson |
| Bartlett | Cunningham | Hall (OH) |
| Barton | Danner | Hall (TX) |
| Bass | Deal | Hamilton |
| Bateman | DeLay | Hancock |
| Beilenson | Dellums | Hansen |
| Bentsen | Deutsch | Hastert |
| Bereuter | Dickey | Hastings (WA) |
| Berman | Dixon | Hayes |
| Bevill | Doggett | Hayworth |
| Bilbray | Doolittle | Herger |
| Bilirakis | Dornan | Hobson |
| Bishop | Doyle | Hoekstra |
| Bliley | Dreier | Hoke |
| Blute | Duncan | Holden |
| Boehlert | Dunn | Horn |
| Boehner | Edwards | Hostettler |
| Bonilla | Ehlers | Houghton |
| Bono | Ehrlich | Hunter |
| Boucher | Emerson | Hutchinson |
| Brewster | English | Hyde |
| Browder | Eshoo | Inglis |
| Brownback | Evans | Istook |
| Bryant (TN) | Ewing | Jefferson |
| Bryant (TX) | Fattah | Johnson (CT) |
| Bunn | Fawell | Johnson (SD) |
| Bunning | Fields (TX) | Johnson, Sam |
| Burr | Flake | Johnston |
| Burton | Flanagan | Jones |
| Buyer | Foglietta | Kanjorski |
| Callahan | Foley | Kasich |
| Calvert | Forbes | Kelly |
| Camp | Fowler | Kennedy (MA) |
| Canady | Fox | Kennedy (RI) |
| Cardin | Franks (CT) | Kennelly |
| Castle | Franks (NJ) | Kildee |
| Chabot | Frelinghuysen | Kim |
| Chambliss | Frisa | King |
| Chapman | Funderburk | Kingston |

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|-------------|---------------|---------------|
| Klecza | Morella | Sensenbrenner |
| Klink | Murtha | Serrano |
| Klug | Myers | Shadegg |
| Knollenberg | Myrick | Shaw |
| Kolbe | Nethercutt | Shays |
| LaHood | Neumann | Shuster |
| Largent | Norwood | Sisisky |
| LaTourette | Nussle | Skaggs |
| Laughlin | Obey | Skeen |
| Lazio | Olver | Skelton |
| Leach | Ortiz | Smith (MI) |
| Levin | Orton | Smith (NJ) |
| Lewis (CA) | Owens | Smith (TX) |
| Lewis (KY) | Oxley | Solomon |
| Lightfoot | Packard | Souder |
| Linder | Pallone | Spence |
| Lipinski | Parker | Spratt |
| Livingston | Paxon | Stark |
| LoBiondo | Payne (VA) | Stearns |
| Lofgren | Peterson (FL) | Stenholm |
| Lowe | Petri | Stokes |
| Lucas | Pomeroy | Studds |
| Luther | Porter | Stump |
| Manton | Poshard | Stupak |
| Manzullo | Pryce | Talent |
| Markey | Quillen | Tate |
| Martini | Quinn | Tauzin |
| Mascara | Radanovich | Taylor (NC) |
| Matsui | Rahall | Thornberry |
| McCarthy | Ramstad | Thornton |
| McCollum | Rangel | Tiahrt |
| McCrery | Reed | Torres |
| McDade | Regula | Torricelli |
| McDermott | Riggs | Trafficant |
| McHale | Rivers | Upton |
| McHugh | Roberts | Vucanovich |
| McInnis | Roemer | Waldholtz |
| McIntosh | Rogers | Walker |
| McKeon | Rohrabacher | Walsh |
| McKinney | Ros-Lehtinen | Wamp |
| McNulty | Rose | Ward |
| Meehan | Roth | Watts (OK) |
| Meek | Roukema | Waxman |
| Menendez | Royce | Weldon (FL) |
| Metcalf | Salmon | Weller |
| Mica | Sanders | White |
| Miller (FL) | Sawyer | Whitfield |
| Minge | Saxton | Wicker |
| Mink | Scarborough | Wolf |
| Molinari | Schaefer | Yates |
| Mollohan | Schiff | Young (FL) |
| Montgomery | Schumer | Zeliff |
| Moorhead | Seastrand | |

□ 1103

Mr. PAYNE of New Jersey changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 760 on the Journal, I was unavoidably detained. Had I been present I would have voted "yea".

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes," with an amendment.

PERSONAL EXPLANATION

Mr. YOUNG of Florida. Mr. Speaker, I was not recorded on rollcalls 734 and 745. Had I been recorded, I would have voted "yes" in both cases.

Mr. Speaker, due to a malfunction of the voting system, I was not recorded October 24, 1995, on rollcall vote 734. This was the third in a series of votes that evening, and although I was recorded on the first two votes, my vote was not recorded on the third vote. Had I been properly recorded, my vote was "yes" in support of S. 1322, legislation providing for the relocation of the United States Embassy in Israel to Jerusalem.

As one who has signed letters to the President and Secretary of State in support of the relocation of the Embassy, I would request unanimous consent that my statement appear in the permanent RECORD immediately following the vote on S. 1322.

Mr. Speaker, I was inadvertently delayed Monday evening, October 30, 1995, during the consideration of House Resolution 247, expressing the concern of the House about the possible deployment of American troops in Bosnia. Had I been present, I would have voted "yes" on rollcall No. 745 in support of this resolution.

APPOINTMENT OF CONFEREES ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendments thereto,

disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. STOKES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2099, be instructed to agree to the amendment of the Senate numbered 66 insofar as it strikes 17 provisions limiting the use of funds appropriated to the Environmental Protection Agency.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 10 minutes of my time to the gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. Speaker, nearly 3 months ago, on July 28, 1995, this body voted to strip the VA-HUD appropriations bill of nearly 20 legislative riders. These riders were added by the Republican leadership for the sole purpose of reversing this Nation's progress toward clean streams, lakes, clean air, safe drinking water, and other national environmental goals.

Like many other provisions the majority party has adopted this year, there were no hearings on the legislative riders, no negotiations with the minority, and no public give or take. Instead, these riders showed up in the chairman's mark of this bill at the time of the subcommittee markup.

Mr. Speaker, we now know plenty about these riders. We know the secrecy that surrounds them was designed by the proponents for a very good reason. They knew that when the public learned of the unprecedented rollbacks in environmental protection, of the special interest deals, of the complete disregard for public health, they would be furious. Now, because of the debate and vote last July, the people did learn of the surprises in the fine print of this bill, and they are furious. They are furious because this bill rolls back and cuts back and sweetheart special interest deals simply go too far.

These riders go too far when they totally stop any and all development or implementation of water quality standards for the Great Lakes, which supply drinking water for 23 million Americans.

NAYS—88

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|--------------|---------------|---------------|
| Abercrombie | Gibbons | Pelosi |
| Becerra | Gillmor | Peterson (MN) |
| Bonior | Green | Pickett |
| Borski | Gutierrez | Pombo |
| Brown (CA) | Gutknecht | Richardson |
| Brown (FL) | Hastings (FL) | Roybal-Allard |
| Brown (OH) | Hefley | Rush |
| Clay | Hefner | Sabo |
| Clayton | Heineman | Sanford |
| Clyburn | Hilleary | Schroeder |
| Coburn | Hilliard | Scott |
| Coleman | Hinchey | Slaughter |
| Collins (IL) | Jackson-Lee | Tanner |
| Collins (MI) | Jacobs | Taylor (MS) |
| Condit | Johnson, E.B. | Thompson |
| Costello | Kaptur | Thurman |
| Crane | LaFalce | Torkildsen |
| Davis | Lantos | Towns |
| DeLauro | Latham | Velazquez |
| Dicks | Lewis (GA) | Vento |
| Dingell | Lincoln | Visclosky |
| Dooley | Longley | Waters |
| Durbin | Martinez | Watt (NC) |
| Engel | Meyers | Wise |
| Everett | Miller (CA) | Woolsey |
| Filner | Moran | Wyden |
| Ford | Neal | Wynn |
| Frank (MA) | Ney | Zimmer |
| Frost | Oberstar | |
| Gephardt | Payne (NJ) | |

ANSWERED "PRESENT"—1

Harman

NOT VOTING—26

| | | |
|-------------|------------|-------------|
| Conyers | Hoyer | Tejeda |
| de la Garza | Maloney | Thomas |
| DeFazio | Mfume | Tucker |
| Diaz-Balart | Moakley | Volkmer |
| Ensign | Nadler | Weldon (PA) |
| Farr | Pastor | Williams |
| Fazio | Portman | Wilson |
| Fields (LA) | Smith (WA) | Young (AK) |
| Gejdenson | Stockman | |

These riders to too far when they totally stop any development of new emission standards for industrial water pollution, thus allowing pharmaceutical manufacturers, the pulp and paper industry, and metal producers, to continue to pour millions of pounds of toxic pollutants into the Nation's waterways.

These riders go too far when they repeal this Nation's wetlands protections, thus allowing developers to destroy thousands of acres of marshes and streams that would be protected even under the radical revisions to the Clean Water Act that the Republicans passed earlier this session.

These riders go too far in prohibiting EPA from doing anything to keep radon and arsenic out of the Nation's drinking water.

These riders go too far in saying to EPA, "Don't you dare ask industry to disclose more about their use and release of toxic chemicals to local health officials," to local fire departments, to citizens who live in the shadows of polluting smokestacks.

These riders go too far in carving out special interest exemptions and protections for oil refineries and hazardous-waste-burning cement kilns.

Mr. Speaker, now we have a third chance, once and for all, to rid this bill of these poisonous riders on this bill which President Clinton has described as the Polluters Protection Act. My motion at the table instructs the conferees to agree with the Senate amendments deleting the House riders.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to ask a question of my colleague, the gentleman from Ohio [Mr. STOKES], the ranking member.

Mr. Speaker, the gentleman from Ohio [Mr. STOKES] points with some alarm to a series of riders that are connected with EPA and riders that would impact the way they exercise their regulatory authority and sometimes, in my judgment, go beyond their regulatory authority.

As I understand the gentleman's motion, it would essentially instruct us to remove all of those riders, and that would be the position of the House as we go to conference; is that correct?

Mr. STOKES. If the gentleman would yield, my chairman is absolutely correct. My motion would strike all 17 of these riders from the bill.

Mr. LEWIS of California. That would mean that if a Member of the body, for example, is very concerned with the way EPA is implementing inspection and maintenance of vehicle programs connected with clean air across the country, that we would be unable to address the way we do address that question in these riders. In other words, we would not be able to move forward with a rider that would essentially limit the way EPA is exercising that questionable authority; is that correct?

Mr. STOKES. If the gentleman would yield further, I want to be able to respond accurately to him.

As my distinguished chairman of the subcommittee knows, there is a Senate rider that bars centralized testing, using language previously adopted when we were in conference previously on the rescissions bill.

That language, as my chairman knows, states as follows: That the House-Senate conferees on the rescission bill adopted straightforward language barring EPA from mandating centralized testing or applying any automatic discounts or alternatives adopted by States. Similar language is in the Senate version of H.R. 2099, the bill which we are on here on the floor today.

Mr. LEWIS of California. Mr. Speaker, the point I would make is that I do know there is a rider like that on the Senate side sponsored by the Senate. But my colleague is striking all the language that we would have and essentially saying I should not be taking action and moving forward relative to inspection and maintenance and other items.

Under those circumstances, Members should know that if the House votes with the ranking member, I intend to go to the conference and fully express the role of the House, and actions on inspection and maintenance will have to be opposed. Indeed, it could undermine the House position and the House concern regarding that matter. The same point applies to any number of other riders.

Really, my point here, Mr. Speaker, is that to have the House suggest that we go to conference with the Senate and strike all of this consideration when there is another option available is highly questionable policy, and I think it deserves the attention of the House.

Mr. Speaker, it is very important for our colleagues to know that there is a great deal of interest in a number of these riders. We will be dissuaded from acting in connection with them. Later in the day, we will have an opportunity, perhaps, to consider another approach, which would instruct our conferees to go to the conference and to consider each and every one of these riders separately and individually and consider them based upon their impact on the economy, upon jobs, upon the environment. That could only occur if, at the end of this discussion, we essentially procedurally open the door to allow us to consider that alternative. So we are going to be urging my colleagues to vote no on the previous question to allow that process to go forward.

It is not fair for us to tie the hands of the Members in connection with these very important regulatory areas, and the motion by my colleague would specifically do that. We would not be able to represent Members well regarding these issues in conference if this motion passes.

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

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, these riders are a terrible idea. The riders dramatically change, in a very damaging way, laws which have been subject to the legislative process, were fully and extensively debated and gained the support of Members from both sides of the aisle.

We have a legislative process through which we amend existing law. It involves committees and subcommittees where Members have devoted much of their careers to understanding complicated important issues and to knowing how to deal with them.

In this case, the Committee on Appropriations decided to authorize, or better, to deauthorize in this appropriations bill certain established laws. This is a bad idea.

Let me demonstrate why by asking four questions:

Do Members really want to stop enforcement of wetlands protection?

Do Members really want to stop enforcement of permits on raw sewage overflow?

Do Members really want to stop enforcement of programs addressing stormwater runoff?

□ 1115

Do Members really want to stop implementation of the Great Lakes initiative? These only deal with the Clean Water Act. There are 15 other issues that are of equal importance.

I urge a "yes" vote on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds.

I think it is important for me to respond to the statement made by the distinguished chairman of the subcommittee. I think the Members should know and understand that Amendment 81, which I made reference to, is in the Senate bill, and there is no reason why in conference, notwithstanding any action taken here, if the Stokes motion wins, we can still agree to that motion in conference. There is no reason why, as conferees, we cannot.

What every State should understand is that no State faces a loss of Federal highway funds if they do not adopt a decentralized or test-only inspection program. That Members should understand.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, of all the words that appear in the Contract With America, the word "environment" never appears once.

They never told us they were going to repeal the Clean Water Act.

They never told us that they were going to sell off public lands, make it easier to pollute the Great Lakes, or cut funds we need to keep our drinking water safe. But over the past 10

months, Gingrich Republicans have trashed the environment at every single turn. It is not just what they have tried to do, but how they've tried to do it.

They knew they could not pass a bill to allow oil drilling in the Alaskan wilderness. So they snuck a provision into the reconciliation bill that allows drilling in Alaska.

They knew they could not just repeal the Clean Water Act. So we have a bill before us today that uses legislative riders to gut the Clean Water Act in 17 different ways.

This is environmental destruction by stealth, pure and simple.

Now does anybody really think it is a good idea to let arsenic in our drinking water?

Does anybody really think it is a good idea to exempt industrial plants from water pollution control? Read the fine print—that is exactly what these riders do.

All over America, local communities need help with sewage problems. This bill freezes all new wastewater treatment projects dead in their tracks.

All over America, local communities are trying to make their drinking water safe. This bill makes it impossible for safe drinking water permits to be enforced.

This bill may be a bonanza for polluters but it is going to damage our environment, poison our water, and hurt local communities all over America.

For more than two decades, this country has had a bipartisan commitment to protecting our environment. Any way you look at it, this bill rolls back 25 years of progress on clean water.

The VA-HUD bill is a disaster from the word go. The least we can do is instruct conferees to get rid of these destructive riders once and for all.

I urge my colleagues: Vote "yes" on the previous question, vote "yes" on the motion to instruct, and help keep our environment clean.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I urge my colleagues, in their zeal for reform, to refrain from the wholesale repeal of fundamental environmental safeguards. Repeal is exactly what we are being asked to do in voting for a funding bill that has 17 legislative riders attached to it.

Whole sections of the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act are rendered meaningless by these riders. For example, one rider completely halts EPA enforcement of wetlands protection. We cannot afford the widespread destruction of the Nation's remaining wetlands that would occur if this rider is signed into law. As documented in the National Research Council's report—a report done at the request of Congress—wetlands provide an indispen-

sable natural filtration system and habitat essential to commercial and recreational fishing supplies. My State for one cannot afford the economic devastation that would occur from further pollution to its waterways, particularly the Chesapeake Bay.

This is just 1 of the 17 riders to the EPA bill. Others block implementation of tap water standards for arsenic and radon in our drinking water supplies; prohibit further cleanup of Superfund sites after the end of the year; carve out special exemptions for petroleum refineries from critical air toxic standards; and shield polluters who admit (but do not necessarily correct) their wrongdoing.

These changes undercut the foundation of environmental protection that both Republicans and Democrats have worked hard to build over the past 25 years. We should not be making such changes in an appropriations bill, with no hearings and little debate.

Let us instead make any revisions in the appropriate authorizing committees where Members are working hard to review and improve various environmental laws. All of the riders in this bill are inappropriate. While some of them concern important issues that should be addressed, none of them should be attached to this bill.

I urge a "yes" vote on the Obey-Stokes motion and a "yes" vote on the previous question.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, my friends, the distinguished minority whip represents a party that used to be the only thing to fear is fear itself; now, all they have to offer is fear itself.

I rise in very, very strong opposition to this motion to instruct. Do not be fooled. . . .

And what do they do? They prevent—

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down. The gentleman's words go to the motives of the sponsor of this amendment. They are outrageous. They ought to be withdrawn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the words.

Mr. DELAY. Mr. Speaker, I ask unanimous consent to withdraw the offending words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. I will not object if the gentleman understands that I raised the objection because what he essentially said is that the sponsors of the amendment were not interested in a clean environment, they were interested in spreading misleading words on the floor of the House. That is my objection. If he is willing to withdraw that, I have no objection to their being withdrawn.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] may proceed in order.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, do I get to start over with my time?

The SPEAKER pro tempore. Time was not taken away from the gentleman. The gentleman may start over.

Mr. DELAY. Mr. Speaker, maybe I mischaracterized personally the authors of this motion. Let me restate it this way: Those on the outside of this Chamber that support this motion are not interested in good environmental policy or public health. They are interested in the status quo, in regulatory excess, and in spreading misleading and distorted information on what these environmental riders do.

And what do they do? They prevent the EPA from going beyond its statutory authority so we do not have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public. They require EPA to use the most up-to-date data when making regulatory decisions.

Do the opponents of the riders believe the EPA should be allowed to develop a refinery MACT rule, using data that is 15 years old when data exists from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing, claiming this system works the best, but just a few weeks ago, 12 cars rigged to fail passed by a Colorado centralized testing facility. Is that effective environmental policy? None of these riders change present law, not one. Not one of these riders repeal present law.

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water. But who is asking for a delay in the rulemaking? In a letter dated this February, the EPA stated it has decided to seek to delay rulemaking on the arsenic regulations in order to conduct further research.

Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science and flexibility. They are about making sure that we get real benefits out of our regulatory requirements, so that the burden we have placed on Americans and on our businesses makes sense, and for those who claim that this appropriations bill is no place for these legislative riders, get real. Every bill is the

right place to deal with government fraud, abuse of process and misspent resources.

Vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, 1 month into the fiscal year, only 8 percent of the appropriations in the budget are done for the fiscal year. At that rate, it will take an entire year to finish 100 percent of the appropriation items.

Eighty-five percent of the appropriated dollars in the budget, in defense, in labor, HEW, in the EPA appropriation bill, are all tied up in very large measure because of extraneous legislative language added to what is supposed to be budget bills.

In this bill before us today, these 17 riders would, among other things, exempt oil refineries from air toxic standards under the Clean Air Act. They would allow 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements. They would stop enforcement of the law with respect to the dumping of raw sewage into our rivers. They would stop enforcement of the arsenic standards.

These 17 rules, in my view, are a lobbyist's dream, and I would simply suggest that the idea that we ought to try to consider each of them separately on an appropriation bill, simply the effect of that gives lobbyists 17 different opportunities to pick off enough people on this floor to win 1 or 2 or 3 of those items, because of special sectional pressures.

In my view, these do not belong in a budget bill. We ought to deal with budget issues clean.

I want to say one other item, or I want to make one other point. I want to say to my Republican friends on this side of the aisle, we have not made a single bit of environmental progress through the years without bipartisan cooperation because the two parties.

□ 1130

Do not let that cooperation stop now. Do not walk away from the tradition of Teddy Roosevelt. The Republican Party and the Democratic Party jointly have fine bipartisan traditions of moving environmental protections forward. Let us keep those traditions moving forward today by supporting the Stokes motion.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong opposition to the Stokes motion to instruct.

Mr. Speaker, if you listened only to the supporters of the motion, you would think its defeat will result in the wholesale environmental destruction of our lands, waterways, and air quality.

Folks, this is nothing more than good, old-fashioned scare tactics, dressed up in a pretty green wrapper.

It's not the environment that's at stake here—it is the power of the House.

Every Member knows that many of these riders will never make it out of conference—and those that do survive will represent sound, environmentally neutral policy.

But every Member also needs to know that these riders represent bargaining power for the House.

The riders are leverage we can use to achieve meaningful spending cuts—protect important veterans programs—and pare back some of the other body's ill-advised housing language.

Yes, this may well be the feel-good environmental vote of the year, but I ask you: is it really worth it to sell out the House conferees for a press release?

Mr. Speaker, we need to stick together as a team on this one. We need to reject the easy vote, and cast the right vote.

Defeat the previous question—vote for the substitute motion.

Mr. BOEHLERT. Mr. Speaker, I yield to 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Stokes motion.

This is the third time that we have voted on these riders. First during the Committee of the Whole, Members voted 212 to 206 to delete these special interest provisions. Not satisfied with that result, a separate vote in the House was demanded and by a vote of 210 to 210 the provisions were retained. Lets put this issue to bed once and for all today, by sending a strong message to the members of the House and Senate conference that the appropriations process is no place to make environmental policy.

The Appropriations Committee should not have included the legislative language regarding EPA in its HUD-VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

In addition to my strong opposition to this process, I strongly disagree with the underlying policy objectives of these legislative riders.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

Despite that fact, the VA-HUD appropriations bill includes an unprecedented number of legislative riders which will severely restrict or eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the

Federal Food, Drug and Cosmetic Act. Many of these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for businesses trying to plan the future and make appropriate investments.

These ill-advised riders would wreak havoc with public health and safety. They are penny wise and pound foolish and go for beyond reforms. They gut legislations. Listen to this extreme legislation: Stopping enforcement of existing programs addressing storm runoff, wetlands protection, and raw sewage overflow, as my colleague Mr. SAXTON has outlined; prohibiting EPA from issuing a tap water standard for arsenic—a known carcinogen—radon, and other radionuclides; threatening communities right-to-know about toxic emissions; prohibiting action to avoid childhood lead poisoning; and allowing cement kilns to burn hazardous waste without regard to environmental and health effects.

And these are just some of the 17 objectionable riders that have been included in this bill. Have we lost our senses?

These provisions will drastically reshape or nullify the key laws protecting water and air quality. They represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

For those that want to reform the regulations and the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Finally, my colleagues, this summer I received a letter from my grandson Jimmy Kuhns' kindergarten class expressing their support for the Clean Water Act, and I quote, "Dirty water can hurt you too, Congresswoman."

Out of the mouths of babes. Those 5 year olds were writing to me, but speaking to all of us, my colleagues. Health and safety first. Remember—dirty water and environmental poisons can hurt you, too.

Support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, "I hate clean air. I do not want to breathe clean air. I want the dirtiest possible air possible for me and my household and my constituents."

That is what the supporters of this motion want people to believe about our position on these riders. You know that is absolutely untenable. I voted for the Clean Air Act. I want clean air for my people and for myself and for my household, and I voted for it. But I did not vote for the EPA, in trying to enforce the Clean Air Act, to arbitrarily, with a strong right arm, unheeding to the popular will or to even common sense, to mandate certain procedures on auto emissions testing that are going to be costly to the individual automobile owner, costly to the citizens of the States that are affected, and ineffective in what they are trying to do, and that is to purify the air.

If I am convinced that is true, that the EPA is going about it in the wrong business, should I not do something about it as a representative of my people?

I resent any implication that I am against clean air. I am for the EPA doing their job properly. They have taken steps to mandate 16 States, to put them under sanctions, California being one, Delaware, the District of Columbia, Georgia, Illinois, Louisiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, and I think Texas has been added to that list, mandatory types of centralized testing or sanctions will be visited upon those States.

That is arbitrary, in view of the fact that the standards that they want to employ are obsolete and have been proved in independent testing not to work on the purity of the air. Therefore, we are saying in this rider, no repeal, no destruction of the EPA, no harboring of ill against any of the administration people in the EPA; but, rather, hold back. Look what you are doing. We say pause and allow a new grade of testing to occur at your own hands, if you want, in which we will take sampling of the air for the next period of time until we can develop together, with you, EPA, a standard that everybody can live with and accept with confidence. That is what this rider is about.

Mr. Speaker, I do not know about lead poisoning and all of these other fear things that have been posed on the floor. But I do know that I want to support that one rider at least on auto emissions.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds, because I feel compelled to respond immediately to my colleague from Pennsylvania.

Mr. Speaker, I want to point out that no State faces sanctions for failure to implement centralized inspection and maintenance programs. I want to provide for the RECORD a copy of an October 30 letter from the Administrator of the Environmental Protection Agency, Ms. Browner, which states those States

face a loss of Federal highway funds if they do not adopt a centralized or test-only inspection program.

Further, let me point out, one does not have to be a Democrat. Just as Governor Pete Wilson of California, Christine Todd Wittman of New Jersey, two Republicans, they worked it out.

Mr. Speaker, the letter referred to follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Washington, DC, October 30, 1995.

Hon. NEWT GINGRICH, *Speaker of the House,*
U.S. House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: I am writing to correct information in a recently distributed "Dear Colleague" letter about the Clean Air Act's motor vehicle emissions inspection program. Unlike the claims of the "Dear Colleague" letter, no state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program.

First it is important to note that inspection and maintenance programs are one of the most cost-effective ways to control urban smog and protect public health. These programs provide significant protections of public health and the environment which is why Congress required them as part of the Clean Air Act Amendments of 1990.

EPA's inspection and maintenance regulations provide states with a great deal of flexibility to design automobile emissions testing programs that make economic and environmental sense for their citizens. States can, and have, chosen programs where the emissions tests are done at service stations and auto dealerships. Also, states that have had test-only programs for many years are choosing to continue them because they work. All but two states have submitted complete inspection and maintenance plans and are under threat of sanctions. The remaining two states have failed to submit any plan at all.

States have a wide range of choices in program design, but scientific data from over 15 years of inspection programs in states around the country shows that some programs lower auto emissions more effectively than others. Contrary to the letter's contention, this conclusion is not based on theoretical models, but on actual tailpipe tests of thousands of vehicles in the field. I am sure you would agree that the most sensible approach is to use real world data from each state and base credit on the actual performance of the local programs—that is the approach that EPA is taking.

I hope that the House of Representatives will consider this accurate information before it votes on the riders in the VA-HUD-Independent Agencies Appropriation bill—not the mistakes propounded by those who would weaken important public health protections.

Sincerely,

CAROL M. BROWNER.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds, just to also reply to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Speaker, only 2 of the 16 States listed are under a sanctions threat, that in Pennsylvania and Vermont, for failure to submit plans, not for failure to implement centralized. So the statements are inaccurate.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, these riders were wrong back in July when a

majority of the House voted against them, and they are still very wrong today. I heard the gentleman from Texas [Mr. DELAY] say earlier the riders do not change the current law; but in fact they do. They would severely cripple the enforcement and implementation of the laws that are the very backbone of our environmental protection. What good is having good environmental laws on the books if you cannot enforce them? That is basically what this bill does with the riders. It says you cannot enforce the existing law.

By allowing the riders to remain in the bill, we are also once again creating an unlevel playing field in terms of the environmental standards states are being required to uphold. The message to the States is wait it out. If enough of us hold out, the standards will eventually come down or be removed altogether.

We must remember that pollution recognizes no State boundaries. Unless all States are held up to the same standards, then States that are not in compliance are putting a larger burden on the States that making an effort to preserve our natural resources for future generations.

Mr. Speaker, I ask the Congress not to make enforcement a moving target, and to support this motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Speaker, I rise in opposition to the motion and urge that we support the gentleman from California, Chairman LEWIS, on this important issue. These riders can and should be dealt with one by one. I think the chairman needs to have that discretion. There may be some that are good, there may be some that are bad, but I think he needs that discretion.

Let me just talk about a couple of these riders. One, on the Delaney clause, everybody in this room knows that the Delaney clause is unenforceable. EPA even sued because they knew they could not enforce this law. Let us get it off the books.

The second one, regarding testing, small towns all over New York State have to test for arsenic that does not occur naturally within 1,000 miles of those towns, but they are forced to test for those heavy metals because the EPA has a nationwide policy. It is very expensive for the towns to do that testing.

Let us get this burdensome regulation cleared up as quickly as possible. This bill is the only vehicle we have.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds to respond to my colleague from New York.

Mr. Speaker, there is a matter of principle here, and I would like to point this out to my colleagues: For 40 years, the Republicans have been in the minority. For 40 years we have been

bitterly complaining about the heavy-handedness of the then Democrat majority legislating in an appropriations bill without the benefit of full and open hearings.

Mr. Speaker, I will tell my colleagues this: A number of these riders are meritorious in terms of their objective. They should go through the full and open public hearing process, and not be put in appropriations bills without the benefit of full and open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this motion to instruct the conferees on H.R. 2099 to drop these riders which will cripple our program to protect our air and water.

I know there is special concern in Pennsylvania that the loss of the rider on centralized emission testing may open the State to the possibility of highway funding sanctions.

EPA Administrator Carol Browner is committed to solving the centralized testing problem in Pennsylvania, as she has in every other State, including California and New Jersey.

No State has been sanctioned and there is no reason to believe that Pennsylvania will lose highway funds simply because the law allows sanctions. It does not require sanctions and it is unlikely that any penalty will be imposed while EPA and the State are making a good-faith effort to develop an alternative system.

The issue before us, however, is that the overall impact of these 17 riders would be so devastating to our efforts to protect our air and water that they should be struck from the bill.

These 17 riders don't make the practical, commonsense reforms that will improve the implementation of the environmental programs while protecting our Nation's air and water.

The riders are a sledge hammer that will bring our environmental programs to a screeching halt.

These environmental riders will mean dirtier water for all Americans.

The riders simply say stop protecting the air and water that are so important to the health of the American people.

The rider on stormwater discharges would halt efforts to control acid and metal runoff pollution from abandoned mines, the number one source of water pollution in the State of Pennsylvania.

We are likely to see more threats of contamination to drinking water sources and lower water quality.

With these riders, pollution would continue to pour into the Nation's waters. There is special danger for the beaches and fishing areas that are located near the older urban areas of the Northeast.

The riders would allow millions of pounds of toxic chemicals to pour into our Nation's waters.

These riders are a backdoor method of gutting the Clean Water Act when we should be

working to make Government enforce the protections that are already on the books.

The American people want us to continue the cleanup of our rivers, lakes, and streams.

The riders give the American people the last thing they want: less cleanup of air and water pollution.

These 17 riders will do serious harm to the Clean Water Act Program. They are a special deal for special interests at the expense of the health of the American taxpayer.

I urge support of the motion offered by the gentleman from Ohio.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, those speaking in favor of the Stokes motion to instruct conferees seem to believe that the appropriations process is not the proper forum for discussing environmental priorities. As chairman of the Oversight Subcommittee of the House Commerce Committee, I can assure you that many of the important issues covered by these riders were the subject of extensive hearings and review before our subcommittee and many others. Through coordination of effort between the appropriations and authorizers, we were able to craft positions that advance the cause of regulatory reform in this Nation while maintaining our strong commitment to protecting the environment.

The appropriations riders have been subject to harsh, unyielding, and unfair disinformation campaign by environmental organizations that often devote 10 times the resources to political advocacy than their business opponents. Let me address a few of the more shrill criticisms I have heard:

The language dealing with combustion of hazardous waste as an alternative fuel in cement kilns does not reduce the regulation of that activity. On the contrary, these cement kilns are already highly regulated and EPA region 7 stated this month that the regulations are more comprehensive than those currently in place for commercial incinerators. The riders merely force EPA to follow the letter of the law and process we established under the Clean Air Act, the Resource Conservation and Recovery Act, and the Administrative Procedure Act. EPA has nothing to fear from the law.

I would also point out for the record the recent statement of Barry McBee, the head of the Texas Natural Resource Conservation Commission—our State's EPA—regarding the use of waste fuels in the cement kilns in my district. Chairman McBee noted that the kilns in Midlothian had been subject to "the most extensive monitoring operation" ever undertaken by the TNRCC. The result: "Because our research was so thorough, the TNRCC is confident that the emissions from these plants present no discernible long-term of short-term health threat." Mr. Speaker, this study was based upon several thousand air and soil samples testing

for hundreds of contaminants. That is the kind of sound science the riders are based upon!

The language dealing with title V operating permits allows the States to move forward with their programs without the heavy hand of Federal regulation stifling innovation or creating confusion among members of the regulated community.

The language dealing with the clean air standards for refiners forces EPA to consider the most up-to-date information. Before my subcommittee, EPA frequently expressed the desire to embrace sound science and the best data. Supporting the refining appropriations provision is an opportunity for EPA to demonstrate their actual commitment to this principle.

But Mr. Speaker, we have reviewed the substance of these riders time and again. The point is that we should let our conferees be conferees. They should be able to negotiate in good faith with the Senate and to produce the best bill possible under the circumstances. Simplistically treating all the riders the same does no one any good.

Please vote against the Stokes motion to instruct.

RESPONSE TO ADMINISTRATOR BROWNER'S LETTER TO SPEAKER GINGRICH

1. "No state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program."

I/M State Implementation Plans were due this year. Because many states were in turmoil over I/M, EPA decided that they would require a two step process in approving a I/M state program. First, a determination of completeness, and second a determination of whether the plan was satisfactory. The completeness showing has a very low threshold (one State commented that the plan need only pass the laugh test). To my knowledge, every state has submitted I/M plans that have been determined complete. Therefore, there are no sanction clocks currently running.

EPA has not made determinations as to whether state I/M plans are sufficient. In fact, EPA could determine at any moment that a States program is not sufficient. After this finding, sanctions would automatically kick in after 18 months, however, if the Administrator determines the State has acted in bad faith, EPA could apply the sanctions immediately.

As an example of EPA's bad faith on this issue please see attachment 1. This is a fax from Gene Tierney of EPA to the State lobbyist, of Envirotest, the centralized testing contractor for that state, stating that if a Pennsylvania Senate amendment adopting decentralized testing was passed, EPA would disapprove their State Implementation Plan and Pennsylvania would lose its highway funds. The fax was circulated by the Envirotest lobbyist in an attempt to kill the amendment. The Amendment ultimately passed anyway.

2. "Inspection and maintenance programs are one of the most cost effective ways to control urban smog" . . .

We do not disagree with this, although their is scant evidence that a command and control I/M program will be more effective than allowing States, as laboratories, to find more effective ways to operate I/M programs, such as the adoption of remote sensing.

3. "EPA's inspection and maintenance regulations provide States with a great deal of

flexibility to design automobile emissions testing programs" . . .

That is not what states are telling Congress. In a hearing before the Oversight and Investigations Subcommittee of the House Commerce Committee, republican and democratic state representatives complained about the lack of flexibility.

Here are some quotes from their testimony:

Mr. Mike Evans (R-28th), Georgia State Representative:

For over a year now we have been hearing about EPA's new flexibility. It seems that recently there have been small advances in the direction, due in large part to the November elections and EPA's hopes that they can preempt Congress from revisiting the Clean Air Act. However, EPA's assertion that they have been more flexible is simply not so. We have not seen it in Georgia, and I do not believe other states have seen it either. The only thing we have heard from EPA is sanctions, sanctions, sanctions. It has been EPA's way or the highway, I mean no highway—as in —no highway transportation funds."

State Governor Gerald LaValle of Pennsylvania a democrat stated that when he attempted to offer an amendment changing the State of Pennsylvania's program from centralized to decentralized:

" . . . EPA's response at that time was that no changes in EPA policy would be forthcoming and that any move by Pennsylvania to delay or alter its program would be met by sanctions. In other words, Mr. Chairman, there were no options."

4. "Also, States that have had test-only programs for many years are choosing to continue them because they work"

States that have had centralized programs do not keep them because they work, but because EPA gives the States 100 percent credits for operating such a system.

States that have attempted to go to centralized testing in the last several years have been nearly run out of town by motorists. Programs started in Maine are now on hold, as well as Maryland. Pennsylvania which had contracted to go centralized has now announced it will go decentralized plan, and Texas has backed away from its centralized testing plan as well.

5. ". . . scientific data over the last 15 years of inspection programs in States around the country shows that some programs in States around the country lower auto emissions more effectively than others."

That may be true, but it does apparently depend on whether the program is centralized or decentralized.

For instance a RAND report in October 1994 finds "[i]n terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair." (centralized)

A February 1995 report that the California Inspection and Maintenance Review Committee concluded "[w]hether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness."

Other studies call into question whether EPA has the evidence needed to support a 50 percent discount for decentralized programs. The General Accounting Office before the Oversight and Investigations Subcommittee in 1992 that while some of the audit and tampering data EPA refers to shows "test-and-repair is less effective, it does not provide quantifiable support for the 50 percent reduction."

6. "Contrary to the letters contention, this conclusion is not based on theoretical models but not on tailpipe tests of thousands of vehicles in the field."

The fact is that EPA has never been able to prove enhanced centralized testing achieves the emission reductions they claim.

When asked by Senator Faircloth if the centralized I/M240 achieves its own performance standard, EPA responded "There are two IM240 programs currently in operation. Both have been operating for less than a year and, hence, are too new to have had a complete evaluation."

In other words EPA does not have this proof.

□ 1145

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks).

Mrs. LOWEY. Mr. Speaker, I rise in very strong support of the Stokes motion and I want to commend my colleagues on the other side of the aisle who are courageously speaking out against this outrageous assault on public health and the environment.

This bill's 33 percent cut in the EPA's budget is bad enough, but loading it with an array of legislative riders requested by industrial polluters and other special interests that will prevent the EPA from doing its job is an outrage. And shame on those who would sacrifice public health and environmental stewardship to the highest bidder. Shame on those individuals. The vast majority of all of their constituents, all of our constituents, regardless of whether they are Democrat or Republican, want clean air, clean water, and food free of deadly pesticides, and they recognize that the Government has a role in ensuring these most basic guarantees. This bill rejects all that.

Mr. Speaker, where I come from in New York these riders will allow more sewage in Long Island Sound, more contamination of the New York City watershed, more pollution in our air, and more risk from pesticides in our food.

To the supporters of these riders, take note: The American people are watching. They have had enough of your assaults on health and environmental safeguards.

Let us make sure we pass the Stokes motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], another of the many Republican leaders sensitive to the environment.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding me time.

I want to make a comment, Mr. Speaker, on the gentleman from Texas. I think he made the argument for a yes vote on the previous question because he is dealing with these issues in a committee. There is a tremendous amount of confusion, really, if we think about it, on both sides of the aisle, among most of the Members, as to exactly what does the repeal of the enforcement provisions for these 17 riders do. What exactly happens if we zero out enforcement.

Well, we do not all exactly know. We have fears and we have reservations. There is ambiguity here and there is certainly confusion here. So I think the most intelligent thing to do as a result of that confusion is vote yes on the previous question, let us move forward with these hearings so that we have some understanding about what is going on.

What we are virtually doing here is changing the Clean Water Act. We are. Do we want to do that without hearings? We are virtually changing the Clean Water Act and do we want to do that without hearings? I do not think so. Vote yes on the previous question.

Mr. BOEHLERT. May I ask, Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. BOEHLERT] has 5 minutes, the gentleman from Ohio [Mr. STOKES] has 8½ minutes, and the gentleman from California [Mr. LEWIS] has 14 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me time and I wanted to address this issue. I served on the committee that oversaw EPA and tried to bring some common sense in my first 2 years in this body to the mass of regulations that are pumped out by EPA and other Federal regulatory agencies.

This debate is really all about bringing power and central control here in Washington, and that is what all the last election was about. People are rebelling about this. It is about how many people we have in EPA. In the last 10, 12 years we have gone from 11,000 to 18,000 Federal employees in EPA; 8,000 of them are here in the city of Washington regulating and mandating.

These riders sent a message and that message needs to be heard. And if we were not listening, we did not get the message here. The other body cut EPA 20 percent. This body recommended 30 percent cuts. Why? Because of the regulations. These riders each address an abuse by these agencies and this Congress who have not gotten the message.

Cement kilns. If we want to look at cement kiln regulations, we were on our way until we found out the President's biggest contributor had a big investment in cement kiln regulation. It is not these riders, it is the politics that is stopping this process. And until we stop regulating and mandating from this city in an arbitrary and unreasonable fashion, without common sense, we will see these riders come back and more appeals for less regulation in this city that wants to maintain that power and that oppression on the States and local governments and the citizens of this country.

Mr. STOKES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise in favor of the motion to instruct.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I strongly support this motion to instruct. This is one of the worst pieces of environmental legislation I have ever seen. It slashes the EPA overall operational budget by one-third and its environmental enforcement by one-half. What this will mean is that EPA will not have the ability to implement and enforce the law. But it does not stop there. It is loaded with riders that are a radical attack on our environmental laws.

Mr. Speaker, this is not the way to pass environmental legislation. In 1990 we passed the Clean Air Act where 400 Members supported it and President Bush signed it. We worked through long hearings. We tried to reach a consensus. If we need to fix a problem in that Clean Air Act, let us fix it. Let us deal with an inspection and maintenance problem.

There was a grain elevator problem that the gentleman from Iowa [Mr. NUSSLE] and I worked together to resolve. Let us work together in a bipartisan and genuine way, otherwise we will get awful policy or gridlock. I support the motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to say that I could not help but recall, as I listened to my colleague from California, Mr. WAXMAN, speak that he and I have worked for years in California in the clean air field. As he knows, I was very much involved in the politics as well as the policy dealing with clean air in California when we were in the State legislature together.

Clearly, one of the most important things that has happened in my lifetime in public affairs is the fact that in the late 1970's the public discovered the word "environment." We did not know much about this whole subject area before that point. Indeed, many of us expressed great concern about what was happening in the environment, including our air, and involved ourselves in changing the policy in positive ways within our State.

But, Mr. Speaker, over time, there is little question in the mind's eye of most Americans that one way or another Uncle Sam has gone much too far with burdensome regulations that do little to actually improve the environment. Indeed, a concern about the environment led to the creation of the EPA. The EPA is now an agency of over 18,000 employees and those employees seem to spend most of their time creating regulations on top of regulations. This has become so overwhelming that now in the West, people are talking about the war on the West, where regulatory efforts are undermining our economies and impacting jobs.

Mr. Speaker, these regulations are impacting people's ability to make sense out of their economy or their economic circumstance in the name of protecting the environment. Indeed, we have gone far too far.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this is the most important and closely watched environmental vote of the year. The old bipartisan coalition that protected the environment over the years is slowly coming back today and today it should make the difference. Moderate Republicans deserve credit for bucking their leadership.

The 17 riders that roll back environmental protections for streams, lakes, soil, air, food, and drinking water constitute the most devastating attack on the environment since Earth Day in 1970. When we combine that with cuts in EPA's budget, 32 percent overall, and 50 percent for enforcement, we can count on the most important environmental vote of the year.

Mr. Speaker, protecting the environment should not be a Republican or Democratic issue. It should be an American issue, and today we should make a start in reversing that trend.

Mr. BOEHLERT. Mr. Speaker, I yield myself 2 minutes.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, it is astounding we are even having this debate. The facts seem so clear. The rules of the House clearly discourage legislating in appropriations bills, and for good reason. Because we do not set policy in a committee that does not have full and open hearings on the subject matter. We want that to be in the authorizing process. The public clearly opposes the rollback of environmental protections. The supporters of these 17 riders are expecting us to blithely ignore these two essential facts.

Has any Member of this body received a letter from an individual, not a special interest, but an individual pleading to push through environmental changes with no time for adequate debate and with no regard for standard procedure? I doubt it. Has any Member of this body received a letter from an individual, not from a special interest, but an individual pleading to be exposed to lead or arsenic or pleading for Congress to exonerate polluters or any of the other goals these riders would accomplish? I doubt it.

The public does not support these riders which are a motley collection of some good ideas being pushed in the wrong context, good ideas being moved

forward with the wrong language, and just plain bad ideas. None of them belongs in an appropriation.

The chairman, the very distinguished chairman of the Committee on Appropriations, constantly reminds us of the fact that we should not be legislating in an appropriations measure. The substitute that will be offered does nothing to allay the public's fears and support for it will be scored as an anti-environment vote.

The substitute allows the conferees to do anything they want on the riders. What kind of instruction is that? They say to the conferees, go forth and be good citizens. That is their job. We want to be specific.

Now, Mr. Speaker, this will be one of the key votes of this Congress and it is going to come on a procedural question. Vote "yes" on the previous question. Vote "yes" on the motion to instruct the conferees. Vote to protect the air we breathe, the water we drink and the food we eat. Vote for the American people.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

□ 1200

Mr. LIVINGSTON. Mr. Speaker, I appreciate the remarks of the gentleman from New York pointing out my own admonition that we might be better off in the appropriations process had we not bridged the gap with so many authorization riders.

The fact is, he is absolutely right. We have slowed down the process to a significant degree. Had I had my druthers, we probably would have addressed all of these meaningful, substantive issues in the authorization process. But there is so much to be done, so much to be done after 40 years of constant, steadfast movement toward increased regulation and centralized government that, frankly, the appropriations bills are the only bills in town that are available to address this situation.

Our membership is anxious to change the course of America; and if we cannot change it on the appropriations bills, frankly, we cannot change it at all under the current circumstances with the political environment we have. So this is an opportunity to address many of the issues that have arisen in this bill.

The riders that we are talking about deal with the environment, which as the gentleman from New York admits, some are good, some are bad, are important to everyone who has sponsored them.

The issues should be addressed. If they are swept aside, if the previous question is adopted, they will not be considered; and it may be another year, 2 years, 5 years before they are addressed.

The fact is, I come from Louisiana; and we have many areas in my district and all throughout the State of Louisiana that have been declared wetlands. Some of those are valuable, meaningful estuaries that provide breeding grounds for all sorts of wildlife and fish. They have to be protected and, frankly, we are not doing enough overtly to protect them. Others have been declared wetlands that are surrounded by urban areas and levees, borders and other high ground that are simply declared wetlands because they are damp or because they have certain vegetation that, under current interpretation, says that they are wetlands.

I believe very strongly that the interpretation from Washington has been misguided, it has been too broad, and it has dictated what is a wetland or what is not a wetland in Louisiana without any foresight, without any knowledge, without any understanding of the real wetlands in Louisiana. As a result, I would like to see some of these regulations released.

I do not think that it is too much to ask that we not simply say all of these riders should come off with this vote, that we send these issues to the conference. It will not be over. Some of the riders will be abolished. Some of them will be simply ignored or eliminated. But some that are really worthwhile and meaningful will be retained by the conferees.

Give the conferees the flexibility to determine the good from the bad, to make a decision, and vote no on the previous question so that we do not simply say everything, all of the riders, are bad for the future of America. They are needed. Some of them are needed, and the only way we can get to them is to vote "no" on the previous question.

Mr. BOEHLERT. Mr. Speaker, I yield myself 15 seconds to respond to the distinguished chairman of the Committee on Appropriations.

Mr. Speaker, the last time I checked since November 8, 1994, the Republicans have the majority in the House. We chair every single committee. We chair every single subcommittee. We can move with dispatch through the authorizing process which permits full, open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Stokes-Boehlert motion to instruct conferees.

The restrictions and riders in this legislation would allow backdoor repeal of protection from raw sewage overflows, would reduce protection of wetlands, would stop many State clean water programs in the tracks. That is now what the American people want or expect.

Every Member who voted to rid this bill of the riders has put himself or herself on record as opposed to backdoor, closed-door, back-room efforts to roll back environmental protection.

The vote to delete the riders was reversed at a time when many Members

were absent, many of the Members who would have voted to keep the bill clean of those riders, and even then the reversal came only on a tie vote. So if you voted right last time, you need to vote right this time, and this time let us do what is right for the American people, what is right for the environment, what is right for future generations. Let us vote to rid this bill of the waivers, loopholes, and rollbacks that are included in these riders.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], another Republican leader in the environmental movement and former Governor of Delaware.

Mr. LEWIS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Delaware.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentlemen for yielding me the time.

Mr. Speaker, I strongly oppose the inclusion of the 17 legislative riders contained in the VA-HUD appropriations bill. I have looked at this from the perspective of my own State, and I think if you magnify that by 435, because my State is, after all, a congressional district, you get some idea of the problems in this bill and with these riders.

For example, in clean water, we would lose \$1.8 million to treat wastewater pollution, and this means that we would have raw sewage potentially pour into our local waters reaching our beaches, and we depend upon the tourism industry, from the outdated treatment systems at 38 locations around Delaware. It would also affect recreational and commercial fishing.

We are going to have next Monday a celebration of a cleanup of a Superfund site in the State of Delaware. We would not be able to start a new one next year if these riders pass.

We have a problem with an oil refinery. We tried to work with them. But this rider would halt efforts to protect the health of communities living near that refinery in Delaware which emitted more than 100,000 pounds of toxic air in 1993, obviously affecting, potentially, the health of a lot of people in the State of Delaware. These riders essentially prevent a lot of things from happening in the environmental area that should go ahead.

Every American should be concerned by the fact that these riders will specifically benefit certain special interests. In fact, there are winners in this, clear winners, the cement kiln industry, the oil industry, the paper and pulp industries, and there are losers. The losers, as far as I can ascertain, are practically everybody else in America, individuals and some corporations. These riders undermine laws that prevent harmful exposure to lead, arsenic, and other toxins and can literally affect the quality of our air and our water.

The bottom line is that, as written, these are not reasonable reforms but special breaks to a few industries. The antienvironmental riders are bad policy, bad politics and bad for the health and safety of the American people, and they should be dropped from this bill.

If the riders are allowed, the bill will be an environmental disaster and a special-interest bonanza. I would encourage all of us to vote "yes" on the previous question to support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me mention one more time, these riders have been described incorrectly in many a fora. In the case that my colleague just mentioned regarding clean water programs, the problem with those programs is they have not been reauthorized. Those who controlled the committees in the past Congresses have failed to reauthorize them, so we are kind of in a bind and there is a need to have mechanisms for moving forward. In part, we are attempting to affect EPA in this connection by way of these riders.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me tell Members what this debate is all about. It is about this glass of drinking water and others like it across America. When you pour a glass of drinking water for your children, you can be confident that it is safe for them to drink it. The confidence, of course, is based on sensible government monitoring and regulation.

This appropriation bill has 17 different environmental protection laws repealed without 1 day of hearing, 17 different protections for American families so that there is not arsenic in this water, benzene, dioxin, lead, and known carcinogens.

Why in the world would some of the extreme Republicans, unlike the gentleman from New York [Mr. BOEHLERT], want to repeal this protection? Because the special interests demand it. They are in the corridors of this Congress right now watching this debate. They want to see this bill go through. They want these provisions that protect our families repealed, because they can make more money.

What is more important? If this Government cannot protect the water that we drink, then we have lost our soul.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA] to respond to those outrageous comments.

Mr. MICA. Mr. Speaker, let me tell Members about this water and this debate. Under this water, the citizens died and got sick in Milwaukee under our current rules and great regulations. Under this water, you could not drink the water in Washington for several days under the current rules and regulations. That is what this debate is about.

This debate is about the inflexibility, because this Congress mandates 53 water contaminants, that you must look at, because this Congress is unreasonable, because this Congress in every one of its environmental programs has gone off the deep end.

There is no one on this side who does not want to have clean water and clean air. They spend billions of dollars on Superfund. Eighty-five percent of the money goes to attorneys' fees and studies. And what do we get? We do not get the sites cleaned up. We are forced to drink crummy water.

Most of these Members who are telling you about the special interests, that is a lot of baloney. The special interest is the people of this country who are paying the taxes and should have clean water and fresh air to drink and to breathe.

Mr. BOEHLERT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 $\frac{3}{4}$ minutes.

Mr. BOEHLERT. Mr. Speaker, I want to thank the distinguished gentleman from Florida for pointing this out. This water is very important and precious to all Americans.

I would suggest to you that in December 1993, when 104 people in Milwaukee died because cryptosporidium was in the water supply, it was not because the Government was doing too much. It was because the Government was doing too little to protect the American people.

Ladies and gentlemen, I can count, and I know what elections are about. Let me tell you what the last election was about. The American people were sending us a very clear message. They want smaller government, less costly government, less intrusive government, and yet more efficient government.

I have yet to find the first American who wanted to vote to dismantle the Government. I have yet to find the first American who does not agree that we need regulations to control toxic emissions from oil refineries. I have yet to find the first American who does not agree that we need regulations controlling arsenic in our drinking water. I have yet to find the first American who does not agree that it poses a very serious public health problem if we cannot regulate sewer overflow into America's streets. The American public is watching this debate very clearly.

The Republicans are getting very high marks in dealing with issues involving our economy. Quite frankly, our score card is getting low marks with respect to the manner in which we deal with the environment.

Ladies and gentlemen, this is not a Republican versus a Democrat issue. You have witnessed Republican after Republican coming before us to say vote "yes" on the previous question, vote "yes" on the instructions to the conferees to protect the air we breathe, the water we drink, and the food we eat.

We did not inherit the earth from our ancestors. We are borrowing from our children, and we have to give an accounting of our stewardship. Today is the day to do it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

□ 1215

Here is the October 5 headline from the Washington Post: "Experts are at a loss how to stem toxic flow into Great Lakes." Tucked into this bill is a provision that would gut the Great Lakes Water Quality Initiative.

The GLI is a product of 9 years, 9 years of work to reduce the flow of toxic chemicals being dumped into the Great Lakes.

Look, I do not want to leave it to the conferees to bargain away the future of the Great Lakes. There is a plea here, leave it to the conferees. No, do not leave the Great Lakes at the mercy of those who want to continue to dump mercury, lead, and dioxin into our Great Lakes.

Support the Stokes motion and strip these 17 antienvironmental riders from this bill.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, these EPA riders restrict or eliminate the ability to set environmental standards and enforce regulations that are designed to protect the public health. The riders prohibit regulations controlling the amount of arsenic and radon in our drinking water, prevent the reduction of toxic air pollutants from hazardous waste incinerators, restrict citizens' right to know about the toxic substances that are released in their communities, and limit the reduction of toxic air pollutants from oil refineries.

In fact, in my district in Connecticut, in the third district, this would allow for the influx of raw sewage into the Long Island Sound.

The American people need to know that the public interest is being sold to the highest bidder here in the people's House. These riders are a direct result of the political culture that allows the pollution lobby undue influence to ramrod special interest legislation through this House. This is an auction.

Reject the appeals of the special interest pollution lobbyists and vote for the Stokes-Boehlert motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I yield myself this time by way of essentially saying to my colleagues, and also to the public that might be listening, that it is very important to note that opposition to this effort on our part to eliminate these riders has been carried to the extreme in many a forum, and to suggest that those who are against striking the rid-

ers are obviously somehow against the entire environment, illustrated by the last several speakers who have referred to arsenic in drinking water and radon in drinking water.

Mr. Speaker, it is very important that the House know, that the people know that across the country there are trace elements in drinking water everywhere of this kind. What the EPA is proposing, they are proposing regulations that are so extreme in their form to control harmless traces, harmless traces, that it is going to escalate the cost of drinking water in districts across the country. Water districts responsible for drinking water across the country are calling for our effort to impact the EPA's work in this field.

It is very, very important that we know that the EPA is at fault here, not our effort to include these regulations.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, this vote today is probably the most important environmental vote that will be taken in the 104th Congress.

The riders in the bill that the gentleman from Ohio [Mr. STOKES] is trying to strike would prohibit the EPA from regulating or setting standards for a number of different sources of toxic contamination of air and water.

Safe drinking water in America can no longer be taken for granted. EPA is under court order to set standards for arsenic and radon in drinking water. Both are known carcinogens.

The bill would prohibit EPA from complying with these court orders, thus subjecting millions of Americans to carcinogenic substances in their drinking water, not tracer elements, but elements of sufficient quantity to cause cancer.

The number of people subjected would be 35 million for arsenic, 45 million for radon, exposed to these carcinogenic chemicals. This comes on the heels of recent scientific findings that exposure of children to hazardous chemicals can be much more dangerous for them than previously thought, because they are smaller, obviously; nevertheless they consume the same quantity of water.

Let us protect our children. Let us protect the health of Americans. Let us defeat these riders. Let us pass the Stokes amendment.

Mr. STOKES. Mr. Speaker, may I inquire as to what the time situation is now with reference to each side?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Ohio [Mr. STOKES] has 1 $\frac{1}{2}$ minutes, and the gentleman from California [Mr. LEWIS] has 3 $\frac{1}{2}$ minutes. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. STOKES. Mr. Speaker, do I understand I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEWIS of California. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, it is with no small amount of discomfort that I rise on the floor and oppose so very strongly the motion by my ranking member, the gentleman from Ohio [Mr. STOKES]. Indeed, if we had had the opportunity to discuss what these riders were about before he decided to go forward with this motion, I think we might have relieved the House of all of this debate time. Clearly, a thorough discussion of the excesses of EPA might have made a difference in the decision to go forward with this notion.

Mr. Speaker, I want my colleagues to know that this Member and the Members who are joining me in opposition to the motion offered by the gentleman from Ohio [Mr. STOKES] are not Members who are opposed to strengthening the quality of our environment. We are committed to making sure that we are doing all that is necessary to assure clean air and clean water across the country. Indeed, one of the better things that has happened in the whole processes of public affairs was the fact that a couple of decades ago we began really working to improve the environment.

But in the meantime, the EPA's excesses have raised enough serious questions that it is time for those who really care about the environment to stand together and take action. I have communicated to the House that in the past much of my political work in public affairs involved concerns about clean air. In California I was the chairman of an air quality committee that dealt specifically with that problem that is impacting my district like no other district in the country.

That work led to the creation of the toughest air quality management district in the country. A district that itself has extended regulations that are, to say the least, very difficult regulations to meet. Nonetheless, their work is causing us to see serious progress in the direction of clean air.

There is no doubt that government has a role to play, but excessive regulation upon regulation is undermining the public support for environmental concerns.

Indeed, the credibility of this effort is threatened by these excesses. For that reason, our subcommittee and the full House have reviewed where the EPA has taken us in the past, and where they would take us in the future.

These riders on the EPA portion of my bill are designed to begin that point of rethinking the process and give a clear direction to the EPA that the Congress is more than concerned. We are absolutely insisting that they rethink where they have been regarding some of these regulations. The EPA is an agency that has grown like Topsy. Currently, the EPA is designed simply for regulatory purposes. This is not necessarily helpful to that effort of improving the environment. Because of

this pattern, I urge my colleagues to do the following: First, recognize that the Stokes motion would strike all of these riders and impact very significantly our ability to begin this process of review. Second, at the end of this time, the previous question will be asked. At that point, when a vote is requested, a "no" vote will allow us to consider an alternative, another approach, that will cause our conferees to consider each of these riders separately and individually, measure how they impact the economy and, in turn, make recommendations of the full House to the conference.

I will be urging the Members at the time of the previous question to vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the Stokes-Boehlert instruction and urge my colleagues do as well.

Mr. STOKES. Mr. Speaker, let me in closing stress my appreciation to the gentleman from New York [Mr. BOEHLERT] and to the other Members on the other side of the aisle who have supported the Stokes motion to instruct.

Mr. Speaker, the last time this issue was on the floor—the day my amendment to strike failed as a result of a tie vote—I said to the House that this is an issue that is not going away. I've been true to my word, ladies and gentleman; here it is again.

I also said to you on that occasion that, by virtue of that tie vote which meant that the motion lost, that I didn't lose—the American people lost. This is the third chance to protect the American people.

These riders are poisonous. They restrict or eliminate EPA's ability to set environmental standards or enforce regulations designed to protect public health. These riders prevent reduction of toxic air pollutants from hazardous waste incinerators, limit citizens' right to know about toxic substances released in their communities, and limit protection against toxic air pollutants from oil refineries.

This is a critical and visible vote. This is the environmental vote of the year. The right vote for the American people is "yes" on the previous question and "yes" to the Stokes motion to instruct.

Mr. PACKARD. Mr. Speaker, I rise to oppose the Stokes motion to instruct conferees on the fiscal year 1996 VA-HUD appropriations bill. These so-called riders are commonsense reforms to prevent Federal agencies from promulgating ineffective and expensive regulations and should therefore remain in the bill. Supporters of the motion to instruct argue that these riders will wreak havoc with public health and safety. However, nothing could be further from the truth.

One such rider will prohibit EPA from issuing regulations under the Delaney clause. My colleagues with farms in their districts are very familiar with this clause. This clause bans any

additive in processed food that has been shown—in any amount—to cause cancer in humans or laboratory animals.

"What is wrong with that," you may ask. Well I will tell you—this clause was enacted in 1958 when technology allowed scientists to test for chemical traces in quantities of about one in a million. Current technology now allows us to test for these chemicals in quantities of about one in a quadrillion—a million billion, which means that one person could be harmed by the substance every 10,000 years or so.

Even EPA Administrator Carol Browner has called for a change in this law, but the EPA's strict interpretation of the Delaney clause means that it will continue to be an enormous drain on our agriculture economy.

It is ridiculous regulations such as these that put a stranglehold on our economy. I urge my colleagues to support commonsense regulatory reforms by opposing the Stokes motion to instruct.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the VA-HUD appropriations bill.

If we pass this bill with its 17 riders, we will make it easier for harmful pollutants to poison our air and water.

We will make it easier for pesticides and radon to threaten our constituents.

And we will make it easier for polluters to get off scot-free without paying for their accidents.

Worst of all, we will do so not through the appropriate legislative process, but with a congressional shell game. A must-pass funding bill is no place to attach unpopular and unnecessary special interest legislation. This bill leaves us with a Hobson's choice—either swallow these propolluting riders whole, or deny an array of agencies and programs the funding they need to operate.

We know these riders cannot survive in the cold, harsh light of day.

I urge my colleagues to support the motion to instruct conferees.

Mr. JONES. Mr. Speaker, I rise in opposition to the Stokes motion. However, I do so with one serious reservation.

Mr. Speaker, as you know, the 1996 VA-HUD appropriations bill has been controversial. It has been controversial because of significant spending cuts. But has also been controversial because of the riders that were included.

Mr. Speaker, I originally voted for these riders when first presented to the House because I believed—and continue to believe—that they represent one of the few approaches available to Congress to halt regulatory abuses by the Environmental Protection Agency.

Therefore I must oppose the motion to instruct the conferees to drop all of the riders.

However, Mr. Speaker, subsequent to those votes new scientific evidence has been brought to my attention which has caused me to alter my position on two of the riders. I have concluded that serious questions exist about the cement kiln method of disposal of high-level hazardous waste, and thus the riders which affect that industry.

In addition to scientific evidence, there have been recent televised news reports which detail shockingly high rates of mental and physical birth defects in the vicinity of cement kilns. These kilns have unacceptably high emission

levels of some of the most hazardous substances know.

The EPA has noted that cement kilns burning hazardous waste produce dust—a by-product of burning hazardous waste—that contains 70 to 700 times more dioxins than kilns which do not burn hazardous waste.

According to the EPA, cement kilns are the second largest source of toxic mercury emissions. Annually over 2,400 newborns and infants will be exposed to, and subsequently poisoned by, mercury emissions from cement kilns.

The EPA points out that cement kilns are the third highest source of toxic and cancer-causing emissions right behind medical waste incinerators and municipal waste incinerators. None of the 24 hazardous waste burning cement kilns operates under final permits subject to public review, although EPA is beginning the process at some of the kilns.

Most citizens surrounding these plants do not even know that the kilns are burning the same hazardous wastes that commercial hazardous waste incinerators must manage under very restrictive conditions.

So, Mr. Speaker, while I must oppose the motion to instruct the conferees to disregard all of the riders, it is my hope that they will be made thoroughly aware of all of the scientific evidence in this matter—not just that of one side—and that they will drop the two riders pertaining to the cement kiln method of hazardous waste disposal.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees.

As all of you who have served with me know, I was a strong critic of EPA long before it became fashionable. And even though I believe that poor judgment and overzealous regulation continue there—such as with the so-called combustion strategy—I cannot support the majority's efforts to make major changes in this Nation's environmental laws through legislative riders.

As all of you are aware, I have also long fought any attempts to have the Appropriation Committee engage in legislative actions. And today we are presented with a measure that contains a plethora of half-baked legislative amendments to the Clean Water Act, Clean Air Act, Safe Drinking Water Act, and our other environmental statutes. Nearly every one of these riders is poorly drafted and will lead to consequences well beyond the intentions of the proponents.

Why is this so? For the simple reason that in their haste to circumvent committee debate, to hide the interests that are behind the riders, to avoid the glare of the public spotlight, to shield these riders from the normal pulls and pushes of the legislative process, the proponents have created bad legislation.

By comparison, during consideration of the Clean Air Act Amendments of 1990, my committee heard testimony and solicited views from all sides—from the Bush administration and EPA, from Governors and mayors, from industry and unions, from environmental groups and ordinary citizens, and from Republicans and Democrats. Every word of that measure was exhaustively debated at subcommittee, at full committee, and on the floor of the House. As a result, I am proud to say that the measure had strong bipartisan support throughout every step of its journey

through the House of Representatives, and, indeed, through the Senate and conference committee as well. Similar public debate and bipartisan participation marked passage of the Water Quality Act of 1987 and other environmental statutes.

But these riders have not undergone this kind of scrutiny. There has been no authorizing committee consideration of the environmental roll backs and special interest contentions. There has been no fair and full debate on the best way to implement any changes the majority may wish to make.

One additional point, Mr. Speaker. This motion to instruct will not cure what ails this bill.

Even if we pass this motion, this bill still slashes EPA's budget by one-third and cripples enforcement of the Nation's environmental laws through a targeted 50-percent cut in EPA's enforcement budget.

Even if we pass this motion, this bill will still stand as the worst assault on this Nation's duty to house its people since the new deal.

Even if we pass this motion, this bill will still shrink health services for this Nation's veterans. Indeed, according to Veterans Secretary Jesse Brown, the cuts mandated by the Republican budget plan will require 41 veterans hospitals to close their doors and will mean that more than 1 million veterans will be denied health care. The Republican plan will also force the elimination of roughly 60,000 health care positions and the cancellation of 40 construction projects.

Even if we pass this motion, my conscience will not allow me to vote for this bill.

However, the motion is a strong first step toward rehabilitation and I urge a "yes" vote.

Mr. STOKES. Mr. Speaker, I move the previous question on the motion to instruction.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 195, not voting 6, as follows:

[Roll No 761]

YEAS—231

| | | |
|--------------|--------------|-------------|
| Abercrombie | Clement | Farr |
| Ackerman | Clyburn | Fattah |
| Andrews | Coleman | Fawell |
| Baessler | Collins (IL) | Fazio |
| Baldacci | Collins (MI) | Filner |
| Barcia | Costello | Flake |
| Barrett (WI) | Coyne | Flanagan |
| Bass | DeFazio | Foglietta |
| Becerra | DeLauro | Foley |
| Beilenson | Dellums | Forbes |
| Bentsen | Deutsch | Ford |
| Bereuter | Diaz-Balart | Fox |
| Berman | Dicks | Frank (MA) |
| Bevill | Dingell | Franks (CT) |
| Bishop | Dixon | Franks (NJ) |
| Boehkert | Doggett | Frost |
| Bonior | Doyle | Furse |
| Borski | Durbin | Gallegly |
| Boucher | Edwards | Gejdenson |
| Brown (CA) | Ehlers | Gephardt |
| Brown (FL) | Ehrlich | Gibbons |
| Brown (OH) | Engel | Gilchrest |
| Bryant (TX) | English | Gilman |
| Cardin | Ensign | Gonzalez |
| Castle | Eshoo | Gordon |
| Clay | Evas | Goss |
| Clayton | Ewing | Green |

| | | |
|----------------|---------------|-------------|
| Greenwood | Martini | Sabo |
| Gunderson | Mascara | Sanders |
| Gutierrez | Matsui | Sanford |
| Hall (OH) | McCarthy | Sawyer |
| Hamilton | McDermott | Saxton |
| Harman | McHale | Schiff |
| Hastings (FL) | McKinney | Schroeder |
| Hefner | McNulty | Schumer |
| Hilliard | Meehan | Scott |
| Hinchey | Meek | Serrano |
| Hoke | Menendez | Shaw |
| Holden | Metcalfe | Shays |
| Horn | Meyers | Skaggs |
| Houghton | Mfume | Skelton |
| Hoyer | Miller (CA) | Slaughter |
| Jackson-Lee | Minge | Smith (NJ) |
| Jefferson | Mink | Spratt |
| Johnson (CT) | Moakley | Stark |
| Johnson (SD) | Moran | Stokes |
| Johnson, E. B. | Morella | Studds |
| Johnston | Murtha | Stupak |
| Kanjorski | Nadler | Tanner |
| Kaptur | Neal | Taylor (MS) |
| Kelly | Oberstar | Thompson |
| Kennedy (MA) | Obey | Thornton |
| Kennedy (RI) | Olver | Thurman |
| Kennelly | Orton | Torkildsen |
| Kildee | Owens | Torres |
| Kingston | Pallone | Torrice |
| Klecza | Pastor | Towns |
| Klink | Payne (NJ) | Upton |
| Klug | Pelosi | Velazquez |
| LaFalce | Peterson (FL) | Vento |
| LaHood | Peterson (MN) | Vislosky |
| Lantos | Pomeroy | Volkmer |
| LaTourette | Porter | Ward |
| Lazio | Quinn | Waters |
| Leach | Rahall | Watt (NC) |
| Levin | Ramstad | Waxman |
| Lewis (GA) | Rangel | White |
| Lipinski | Reed | Williams |
| LoBiondo | Regula | Wilson |
| Lofgren | Richardson | Wise |
| Longley | Rivers | Wolf |
| Lowey | Roemer | Woolsey |
| Luther | Ros-Lehtinen | Wyden |
| Maloney | Rose | Wynn |
| Manton | Roukema | Yates |
| Markey | Royal-Allard | Young (FL) |
| Martinez | Rush | Zimmer |

NAYS—195

| | | |
|--------------|---------------|--------------|
| Allard | Crapo | Inglis |
| Archer | Cremins | Istook |
| Armey | Cubin | Jacobs |
| Bachus | Cunningham | Johnson, Sam |
| Baker (CA) | Danner | Jones |
| Baker (LA) | Davis | Kasich |
| Ballenger | Deal | Kim |
| Barr | DeLay | King |
| Barrett (NE) | Dickey | Knollenberg |
| Bartlett | Dooley | Kolbe |
| Barton | Doolittle | Largent |
| Bateman | Dornan | Latham |
| Bilbray | Dreier | Laughlin |
| Bilirakis | Duncan | Lewis (CA) |
| Bliley | Dunn | Lewis (KY) |
| Blute | Emerson | Lightfoot |
| Boehner | Everett | Lincoln |
| Bonilla | Fields (TX) | Linder |
| Bono | Fowler | Livingston |
| Brewster | Frelinghuysen | Lucas |
| Browder | Frisa | Manzullo |
| Brownback | Funderburk | McCollum |
| Bryant (TN) | Ganske | McCrery |
| Bunn | Gekas | McDade |
| Bunning | Geren | McHugh |
| Burr | Gillmor | McInnis |
| Burton | Goodlatte | McIntosh |
| Buyer | Goodling | McKeon |
| Callahan | Graham | Mica |
| Calvert | Gutknecht | Miller (FL) |
| Camp | Hall (TX) | Molinari |
| Canady | Hancock | Mollohan |
| Chabot | Hansen | Montgomery |
| Chambliss | Hastert | Moorhead |
| Chapman | Hastings (WA) | Myers |
| Christensen | Hayes | Myrick |
| Chrysler | Hayworth | Nethercutt |
| Clinger | Hefley | Neumann |
| Coble | Heineman | Ney |
| Coburn | Herger | Norwood |
| Collins (GA) | Hilleary | Nussle |
| Combest | Hobson | Ortiz |
| Condit | Hoekstra | Oxley |
| Cooley | Hostettler | Packard |
| Cox | Hunter | Parker |
| Cramer | Hutchinson | Paxon |
| Crane | Hyde | Payne (VA) |

Petri Sensenbrenner Taylor (NC)
 Pickett Shadegg Tejada
 Pombo Shuster Thomas
 Portman Sisisky Thornberry
 Poshard Skeen Tiahrt
 Pryce Smith (MI) Traficant
 Quillen Smith (TX) Vucanovich
 Radanovich Smith (WA) Waldholtz
 Riggs Solomon Walker
 Roberts Souder Walsh
 Rogers Spence Wamp
 Rohrabacher Stearns Watts (OK)
 Roth Stenholm Weldon (FL)
 Royce Stockman Weller
 Salmon Stump Whitfield
 Scarborough Talent Wicker
 Schaefer Tate Young (AK)
 Seastrand Tauzin Zeliff

Klug
 LaFalce
 LaHood
 Lantos
 LaTourette
 Lazio
 Leach
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Lofgren
 Longley
 Lowey
 Luther
 Maloney
 Manton
 Markey
 Martinez
 Martini
 Mascara
 Matsui
 McCarthy
 McDermott
 McHale
 McKinney
 McNulty
 Meehan
 Meek
 Menendez
 Metcalf
 Meyers
 Mfume
 Miller (CA)
 Mink
 Moakley
 Moran
 Morella

Murtha
 Nadler
 Neal
 Oberstar
 Obey
 Olver
 Orton
 Owens
 Pallone
 Pastor
 Payne (NJ)
 Pelosi
 Peterson (FL)
 Pomeroy
 Porter
 Pryce
 Quinn
 Rahall
 Ramstad
 Rangel
 Reed
 Regula
 Richardson
 Rivers
 Ros-Lehtinen
 Rose
 Roukema
 Roybal-Allard
 Rush
 Sabo
 Sanders
 Sanford
 Sawyer
 Saxton
 Schiff
 Schroeder
 Schumer
 Scott

Shaw
 Shays
 Skaggs
 Slaughter
 Smith (NJ)
 Spratt
 Stark
 Stokes
 Studds
 Stupak
 Tanner
 Taylor (MS)
 Thompson
 Thornton
 Thurman
 Torkildsen
 Torres
 Torricelli
 Towns
 Upton
 Vento
 Visclosky
 Ward
 Waters
 Watt (NC)
 Waxman
 White
 Williams
 Wilson
 Wise
 Wolf
 Woolsey
 Wyden
 Wynn
 Yates
 Young (FL)
 Zimmer

Traficant
 Volkmer
 Vucanovich
 Waldholtz
 Walker

Walsh
 Wamp
 Watts (OK)
 Weldon (FL)
 Weller

Whitfield
 Wicker
 Young (AK)
 Zeliff

NOT VOTING—11

Mr. ROYCE and Mr. BROWNBACK changed their vote from "yea" to "nay".

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

□ 1256

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was unavoidably detained and missed casting my vote to eliminate the 17 riders on the Environmental Protection Agency. Had I been present, I would have voted "yea" on rollcall 762.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2546.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

NOT VOTING—6

Chenoweth de la Garza Tucker
 Conyers Fields (LA) Weldon (PA)

□ 1247

Messrs. BUNN of Oregon, ROBERTS, BURR, NUSSLE, CLINGER, BONO, and MCCOLLUM changed their vote from "yea" to "nay."

Messrs. THOMPSON, TAYLOR of Mississippi, MATSUI, and KINGSTON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

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

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 194, not voting 11, as follows:

[Roll No. 762]

YEAS—227

Abercrombie Diaz-Balart Gilman
 Ackerman Dicks Gonzalez
 Andrews Dingell Goodling
 Baldacci Dixon Gordon
 Barcia Doggett Goss
 Barrett (WI) Doyle Green
 Bass Durbin Greenwood
 Becerra Ehlers Gunderson
 Beilenson Ehrlich Gutierrez
 Bentsen Engel Hall (OH)
 Bereuter English Hamilton
 Beraman Ensign Harman
 Beville Eshoo Hastings (FL)
 Bilbray Evans Hefner
 Bishop Ewing Hilliard
 Boehlert Farr Hinchey
 Bonior Fattah Hoke
 Borski Fawell Holden
 Boucher Fazio Horn
 Brown (CA) Filner Houghton
 Brown (FL) Flake Hoyer
 Brown (OH) Flanagan Jackson-Lee
 Bryant (TX) Foglietta Jacobs
 Cardin Foley Jefferson
 Castle Forbes Johnson (CT)
 Clay Ford Johnson (SD)
 Clayton Fox Johnson, E. B.
 Clyburn Frank (MA) Johnston
 Coleman Franks (CT) Kanjorski
 Collins (IL) Franks (NJ) Kaptur
 Collins (MI) Frost Kelly
 Costello Furse Kennedy (MA)
 Coyne Gallegly Kennedy (RI)
 Cunningham Gejdenson Kennelly
 DeFazio Gephardt Kildee
 DeLauro Gibbons Kingston
 Dellums Gilchrest Kleczka
 Deutsch Gillmor Klink

Allard
 Archer
 Arney
 Bachus
 Baesler
 Baker (CA)
 Baker (LA)
 Ballenger
 Barr
 Barrett (NE)
 Bartlett
 Barton
 Bateman
 Bilirakis
 Bliley
 Blute
 Boehner
 Bonilla
 Bono
 Brewster
 Browder
 Brownback
 Bryant (TN)
 Bunn
 Bunning
 Burr
 Burton
 Buyer
 Callahan
 Calvert
 Camp
 Canady
 Chabot
 Chambliss
 Chapman
 Chenoweth
 Christensen
 Chrysler
 Clinger
 Coble
 Coburn
 Collins (GA)
 Combust
 Condit
 Cooley
 Cox
 Cramer
 Crane
 Crapo
 Cremeans
 Cubin
 Danner
 Davis
 Kelly
 Kennedy (MA)
 Kennedy (RI)
 Kennelly
 Kildee
 Kingston
 Kleczka
 Klink

NAYS—194

Dunn
 Edwards
 Emerson
 Everett
 Fields (TX)
 Fowler
 Frelinghuysen
 Frisa
 Funderburk
 Ganske
 Gekas
 Geren
 Goodlatte
 Graham
 Gutknecht
 Hall (TX)
 Hancock
 Hansen
 Hastert
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Heineman
 Herger
 Hilleary
 Hobson
 Hoekstra
 Hostettler
 Hutchinson
 Hyde
 Inglis
 Istook
 Johnson, Sam
 Jones
 Kasich
 Kim
 King
 Knollenberg
 Kolbe
 Largent
 Latham
 Laughlin
 Lewis (CA)
 Lewis (KY)
 Lightfoot
 Lincoln
 Linder
 Livingston
 Lucas
 Manzullo
 McCollum
 McCrery
 McDade
 McHugh
 McInnis
 McIntosh
 McKeon
 Mica
 Miller (FL)

Minge
 Molinari
 Mollohan
 Montgomery
 Moorhead
 Myers
 Myrick
 Nethercutt
 Neumann
 Ney
 Norwood
 Nussle
 Ortiz
 Oxley
 Packard
 Parker
 Paxon
 Payne (VA)
 Peterson (MN)
 Petri
 Pickett
 Pombo
 Portman
 Poshard
 Quillen
 Radanovich
 Riggs
 Roberts
 Roemer
 Rogers
 Rohrabacher
 Roth
 Royce
 Salmon
 Scarborough
 Schaefer
 Seastrand
 Sensenbrenner
 Shadegg
 Shuster
 Sisisky
 Skeen
 Skelton
 Smith (MI)
 Smith (TX)
 Solomon
 Souder
 Spence
 Stearns
 Stenholm
 Stockman
 Stump
 Talent
 Tate
 Tauzin
 Taylor (NC)
 Tejada
 Thomas
 Thornberry
 Tiahrt

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House met on Wednesday, November 1, 1995, an amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill had been read through page 58 line 4.

Are there further amendments to the bill?

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

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, I took this time, because of the limited debate time and the request for so many Members to speak, as a way of saying a couple of things that I think are important. For those who were not paying attention yesterday, I want to begin by extending again my personal thanks to the gentleman from New York [Mr. WALSH], the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from California [Mr. DIXON], for all the cooperation between them and their staff, and the gentleman from Virginia [Mr. DAVIS], as well, from the District of Columbia Committee, and certainly the gentleman from Pennsylvania [Mr. GOODLING], and all my colleagues on the Committee on Economic and Educational Opportunities, the gentleman from North Carolina [Mr. BALLENGER], and others, for all of their work in this effort to try to bring about a consensus on this issue.

□ 1300

As many of my colleagues are aware, the Washington Post today said in their editorial, "This is an education vote that counts," encouraging every Member on both sides of the aisle to vote "yes" on the District of Columbia school reform amendment that I am about to call up.

Mr. Chairman, the reason I wanted to ask for special time, however, is because I think it is important that we deal head on with what is the misunderstanding by so many Members about this voucher issue. When this process began we had obviously the education reform movement in this country that said, "You are not going to give new money to D.C., you are not going to give them more opportunities to expand education funding, unless you get some real reforms."

On the other side we had the public education community that said very clearly, "We are not about to support a package that creates a tool for taking public education dollars to fund private education initiatives."

Mr. Chairman, I thought, frankly, they were both fair. So, we have very carefully, very methodically, over a long period of time, negotiated out what is the best possible compromise we can achieve on this issue.

Under a private school voucher program, if a student leaves a public school to attend a private school, their per capita funding goes with them.

Money leaves that public school and goes into that private school.

Mr. Chairman, I can tell my Democratic friends, I have never once voted for a private school voucher program during my tenure in Congress. I am as opposed to that as my Democrat colleagues are. This bill does not, does not, does not include a private school voucher. It is very important that Members understand that.

In exchange for that, what we have done is we have said we will set up a scholarship program for District of Columbia students. We will provide some start-up money at the Federal level, whatever the appropriations process down the line will bear. And let us be honest, based on the present circumstances, it is not going to be a lot, but whatever that will bear.

We will then allow the scholarship board, made up of seven District of Columbia residents, again, I underline seven District of Columbia residents, to go out and raise private contributions. Whatever those two sources of revenue produce can be used in an equal number of public school scholarships and private school scholarships.

Mr. Chairman, I think it is very important as we begin this process to understand if 100 students were to leave the District of Columbia public schools and to go to private schools, not one dime would leave the District of Columbia public school system. Not one dime would leave the public school system.

We are not taking money from public schools to put it into private schools. This is a carefully crafted compromise. We cannot authorize \$20 million in new education initiatives, leveraging probably twice that much in private resources to repair the buildings and equip the schools with technology equipment, without working out some kind of compromise on the reform issues.

Mr. Chairman, this is as good a compromise as we can get. My colleagues' vote today will decide whether we have District of Columbia school reform, because we cannot work out an agreement that does not have this kind of a carefully crafted balance and get support on both sides of the aisle.

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

Mr. Chairman, the gentleman from Wisconsin [Mr. GUNDERSON] is absolutely correct. The time is very limited and so I would just like to take this opportunity to register my opposition, for I have a great number of speakers.

Mr. Chairman, regarding the amendment that the gentleman from Wisconsin is about to present, the gentleman should be congratulated on the fact that he has tried to reach a consensus. The gentleman has worked with a lot of people. Unfortunately, in my view, the gentleman has not reached a consensus.

Mr. Chairman, there are at least 20 organizations, including the Secretary of Education, the American Association of School Administrators, the

Americans United for Separation of Church and State, that are all opposed to this.

This is a 142-page amendment. It authorizes \$100 million. It does not appropriate one dime. It belongs in the Committee on Economic and Educational Opportunities.

There is great philosophical discord about this amendment. Mr. Chairman, \$42 million could possibly go to private schools, and the bill is silent on whether those could be religious schools. I am not clear if they would have to be in the jurisdiction of the District or could be outside the District.

Basically, this is public money, some \$5 million over a 5-year period, public funds going to private schools.

Mr. Chairman, I would oppose the amendment that the gentleman is about to offer.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment, made in order by the rule.

The CHAIRMAN (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON:
At the end of the bill, add the following:

**TITLE II—DISTRICT OF COLUMBIA
SCHOOL REFORM**

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term “average daily membership”, when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term “Board of Education” means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term “Board of Trustees” means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term “control period” means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(8) CORE CURRICULUM.—The term “core curriculum” means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term “District of Columbia Council” means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term “District of Columbia government” means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term “District of Columbia government” does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term “District of Columbia government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term “District of Columbia public school” means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from pre-kindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term “District of Columbia public schools” means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term “district-wide assessments” means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term “eligible applicant” means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term “eligible chartering authority” means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term “facilities management” means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term “family resource center” means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term “long-term reform plan” means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term “Mayor” means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term “minor student” means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term “nonresident student” means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term “Panel” means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term “parent” means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term “petition” means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term “promotion gate” means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term “public charter school” means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term “school” means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term “student with special needs” has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term “teacher” means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) SCHEDULE.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) CHARTER.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to

the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) SPECIAL RULES FOR FIRST YEAR.—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date

on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) AUDITS.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(9) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any district-wide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind dona-

tions having a value equal or exceeding \$500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until

such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to non-resident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an

additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216

et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) AGGREGATE NUMBER OF ELIGIBLE PUPILS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority

has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—

Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph

(1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering author-

ity described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

“(b) EVEN START.—

“(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated \$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

“(A) for fiscal year 1996, \$2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

“(B) for fiscal year 1997, \$3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

“(C) for fiscal year 1998, \$5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

“(D) for fiscal year 1999, \$5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

“(E) for fiscal year 2000, \$5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).”.

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting “(1)” after “1002(b)”;

(2) in section 1202(b), by inserting “(1)” after “1002(b)”;

(3) in section 1202(d)(1)—

(A) by inserting “(1)” after “1002(b)”;

(B) by inserting “or under section 1211,” after “subsections (a), (b), and (c).”;

(4) in section 1202(d)(3), by inserting “(1)” after “1002(b)”;

(5) in section 1202(e)(4), by striking “, the District of Columbia.”;

(6) in section 1204(a), by inserting “intensive” after “cost of providing”;

(7) in section 1205(4), by inserting “, intensive” after “high-quality”;

(8) in section 1206(b)(1), by striking “described in subsection (a).”;

(9) by adding at the end the following new section:

“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

“(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the ‘National Evaluation of the Even Start Family Literacy Program’, such as providing intensive services in parent training and adult literacy or adult education.

“(b) DEFINITION OF ‘ELIGIBLE’.—For the purpose of this section, the term ‘eligible entity’ means a partnership composed of at least—

“(1) a public school in the District of Columbia;

“(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

“(3) a private nonprofit community-based organization.

“(c) USES OF FUNDS; COST-SHARING.—

“(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

“(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except

that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary’s satisfaction that such entity otherwise would not be able to participate in the program under this section.

“(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than \$250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

“(A) such entity needs additional funds to be effective; and

“(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

“(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

“(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

“(e) ELIGIBLE PARTICIPANTS.—

“(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

“(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

“(i) is eligible to participate in an adult education program under the Adult Education Act; or

“(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

“(B) any child, from birth through age 7, of an individual described in subparagraph (A).

“(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

“(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

“(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

“(2) give priority to applications for programs that—

“(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

“(B) are located in areas designated as empowerment zones or enterprise communities.

“(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

“(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

“(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

“(i) TECHNICAL ASSISTANCE AND EVALUATION.—

“(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of

the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

“(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

“(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

“(i) intensive and high quality services in adult literacy or adult education;

“(ii) intensive and high quality services in parent training;

“(iii) coordination with related programs;

“(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

“(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

“(ii) In order to determine a program’s effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

“(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.”.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the “World Class Schools Panel”.

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information

that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) **CONTENT.**—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) "world class", including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) **SUBMISSION TO SECRETARY.**—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) **EXPERTISE.**—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) **TERMS.**—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) **CHAIRPERSON.**—The members of the Panel shall select a chairperson from among them.

(e) **DATE OF APPOINTMENT.**—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) **COMMENCEMENT OF DUTIES.**—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) **VACANCIES.**—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) **MEETINGS.**—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) **QUORUM.**—A majority of the members shall constitute a quorum for the transaction of business.

(c) **VOTING AND FINAL DECISION.**—

(1) **PROHIBITION ON PROXY VOTING.**—No individual may vote, or exercise any other power of a member, by proxy.

(2) **FINAL DECISIONS.**—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) **PUBLIC ACCESS.**—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) **NO PAY FOR PERFORMANCE OF DUTIES.**—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) **APPOINTMENT AND PAY OF EMPLOYEES.**—

(1) **APPOINTMENT.**—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) **PAY.**—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(c) **EXPERTS AND CONSULTANTS.**—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) **IN GENERAL.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) **DEADLINE.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) **ADMINISTRATION OF ASSESSMENTS.**—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) **DISSEMINATION OF INFORMATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) **LIMITATION.**—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

SEC. 2263. PROMOTION GATES.

(a) **KINDERGARTEN THROUGH 4TH GRADE.**—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) **5TH THROUGH 8TH GRADES.**—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) **9TH THROUGH 12TH GRADES.**—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) **INTERIM DEADLINE.**—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) **IN GENERAL.**—For fiscal year 1997 and for each subsequent fiscal year, the Mayor

shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTION.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) DEFINITION.—The Mayor and the District of Columbia Council shall develop a definition of the term "students with special needs" for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) SPECIAL RULE.—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including non-resident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds

available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including non-resident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including non-resident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Comptroller General of the United States \$75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year,

the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) 1997 INITIAL PAYMENT.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated \$200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) **FORMULA.**—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying \$6,300 by $\frac{1}{2}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by $\frac{1}{2}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) **PAYMENT TO SCHOOLS.**—

(A) **TRANSFER.**—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) **PRO RATA AND REMAINING FUNDS.**—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) **IN GENERAL.**—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) **AGREEMENT PROVISIONS.**—The Agreement shall include the following:

(1) **GENERAL AUTHORITY.**—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) **COOPERATION.**—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603,

in any way necessary, to ensure implementation of the Agreement.

(c) **DURATION OF AGREEMENT.**—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) **PROGRAM.**—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) **PROCEEDS.**—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) **IMPLEMENTATION.**—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the General Services Administration.

(2) **FACILITIES.**—The term "facilities" means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, \$2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) **IN GENERAL.**—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) **LIMITATION.**—

(1) **WAIVER APPLICATION.**—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) **INSURANCE REQUIREMENTS.**—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be

acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education "D.C. Desk"

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) **IN GENERAL.**—The Superintendent may develop a plan to establish a residential school for the 1997-1998 school year.

(b) **REQUIREMENTS.**—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District \$2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than \$100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability**SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.**

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships**SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7

members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or

while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of \$150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) \$5,000,000 for fiscal year 1996; and

(B) \$7,000,000 for fiscal year 1997, and \$10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than \$500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K-12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) \$3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) \$1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) \$500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for

which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) DENIAL OF CERTIFICATION.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) EXPLANATION.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(A) BEFORE PAYMENT.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) POLICIES AND PROCEDURES.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia

public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) INFORMATION DISSEMINATION.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) TIMELY REVIEW.—The court shall render a prompt decision.

(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have

access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportuni-

ties and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, \$1 for every \$1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, \$3 for every \$1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, \$5 for every \$1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c)

\$2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) \$2,000,000 for fiscal year 1996; and

(B) \$3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle I—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, I submit the following for the RECORD.

LEGISLATIVE HISTORY

During the first few months of the 104th Congress, Speaker Newt Gingrich appointed Representative Steve Gunderson (R-WI) to lead an education task force to help establish a world class education system in the Nation's capital. As a part of the task force activities, Representative Gunderson convened numerous meetings with individuals and interested groups in the District of Columbia, including the office of the Mayor of the District of Columbia, District of Columbia Delegate Eleanor Holmes Norton, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, Board of Education members, educators, union members, parent education reform groups, National education reform experts, and many others.

Additionally, Delegate Eleanor Holmes Norton, together with Speaker Gingrich, convened a town meeting at Eastern High School to hear from District of Columbia citizens about their concerns with the current education system.

Legislatively, the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee held hearings on the subject of District of Columbia education reform on May 12, 1995, June 8, 1995 and June 27, 1995. Witnesses included, among others, the President of the Board of Education, the Superintendent of the District of Columbia Schools, the Committee on Public Education, Parents United for District of Columbia Public Schools, City Council members William Lightfoot and Kathleen Patterson, principals of public schools, the National Urban Coalition, Ted Kolderie of the Center for Policy Studies, the President of the Washington Teachers' Union, the President of the American Federation of Teachers, the Education First Coalition, parents, and a representative of the Office of the Mayor.

The education amendment to the District of Columbia Appropriations legislation is the end product of these meetings and hearings. It represents a balancing of many competing interests, and is designed to transform the current education system into one of the best in the world.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

Subtitle A—District of Columbia Reform Plan

Subtitle A of Title II of the bill requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia School Public System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by School Board President Wilma Harvey and Superintendent Franklin Smith in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Rep. Steve Gunderson on July 13, 1995.

Subtitle A requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8). The legislation requires that the Superintendent consult with the Board of Education, Mayor, District of Columbia Council, and the Authority. The Superintendent is also required to include the public and any interested groups or organizations in the development of this process—similar to the approach outlined by the Superintendent in the District of Columbia's

"Planning Guide for Local School Restructuring Teams" report.

The long term report focuses on how the District of Columbia is preparing to become a world-class education system and model for the nation. The legislation asks the District of Columbia to describe how it plans to accomplish certain goals and objectives. Any amendments to the plan shall be submitted by the Superintendent, with the approval of the Board of Education, to Congress and must be consistent with section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

Subtitle B of this amendment authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the DC Council passed, by a vote of 4-0, legislation authorizing the establishment of independent public charter schools. The DC Council legislation is very similar to this subtitle. A recommendation that either the DC Council or Congress enact legislation authorizing independent public charter schools was also included in the reform plan submitted by the Superintendent and the president of the Board of Education on July 13, 1995, to Rep. Steve Gunderson.

Public charter schools represent a new type of public school that maintains the essential elements of public education: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. Public charter schools are different, however, from traditional public schools in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to realize their educational vision for what constitutes a quality education. A public charter school may not charge tuition, except to nonresidents, and must be open to any student regardless of aptitude. A school may limit admission to certain grade-levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

Public charter schools are a key component of a comprehensive reform strategy. Public charter schools would encourage innovation and entrepreneurialism by educators. They would be free from many of the burdensome rules and regulations that educators find interferes with their ability to provide excellence in education. Public charter schools have full control over their day-to-day operations, including budgeting and personnel, but they must be non-sectarian and non-profit. Public charter schools may enter into contracts or leases for any service, but contracts over \$10,000 in value must be reviewed by the District of Columbia Financial Responsibility and Management Assistance Authority.

The amendment also contains safeguards to ensure that a two-tiered system of public schools would not result from the creation of public charter schools. Eligible chartering authorities are required to give special consideration to petitions to establish public charter schools that would focus on students with special needs, such as students with disabilities, disruptive students, or students who have dropped out. In addition, the new funding formula for public education described in subtitle E is expected to result in additional funding for public charter schools serving students with special needs. As a result, I would expect that quality programs would be encouraged that would serve such students, improving equity and raising the quality of their education.

In order to encourage a diversity of public charter schools, as well as to encourage healthy competition, multiple entities must

be permitted to approve charter petitions. This subtitle designates as eligible chartering authorities the Board of Education and five public or federally-chartered universities located in the District of Columbia. To ensure common standards of quality, this subtitle designates a detailed list of issues that petitions to establish public charter schools must address and a uniform procedure for their consideration, regardless of which eligible chartering authority is reviewing such a petition. Mindful of the fact that the legislation passed by the DC Council Education and Libraries Committee also establishes a charter schools commission, which is not included in this Act, this subtitle allows the DC Council to designate additional entities as eligible chartering authorities.

While this subtitle would designate multiple chartering authorities, a common framework for accountability is desirable for public charter schools. Therefore, this subtitle authorizes the Board of Education, upon the recommendation of the Superintendent, to deny renewal of a public charter school if its students are performing below average on the assessments to be established pursuant to subtitle D. Parental choice, informed by a school's performance on the common student assessments and other factors that a parent may deem important, constitutes another important aspect of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement or violation of this Act or other applicable laws.

Within this framework of accountability for results, public charter schools will provide teachers with an unprecedented degree of flexibility and professional opportunity. Public charter schools also offer families a greater degree of choice, enabling parents to select the educational environment that best suits their children's needs. Because charter schools are supported through the enrollment-based per capita funding formula described in subtitle E, a public charter school must satisfy the parents of students enrolled at the school or it will cease to exist.

Subtitle C—Even Start

The inclusion of Even Start as a part of the D.C. schools reform package is a reflection of Rep. Bill Goodling's belief, as well as my own, in the power of family literacy to insure positive educational outcomes for young children. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

In the recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of this country have been found to have minimal basic skills. This is a strong indication that there is a high level of illiteracy in our country. What is of major concern is that many of these individuals are parents.

As a result, it is difficult to believe that any effort to increase the likelihood of school success for young children in the District of Columbia will be completely effective if it does not address the whole family. What is needed is a comprehensive family literacy program which, in addition to parent training, raises the literacy skills of participating adults. The Even Start program meets this criteria.

In order to avoid the duplication of programs serving the District of Columbia, eligibility for the District of Columbia to participate in the basic Even Start Grant pro-

gram has been eliminated. The current Even Start law has been amended to provide a separate authorization amount for Even Start programs in the District of Columbia. Funding for Even Start programs funded under current law would be maintained under this new authorization.

Under the provisions of this legislation, the Department of Education would be responsible for selecting grantees and oversight of Even Start projects in the District of Columbia. Five percent of available funds is provided to the Secretary to provide technical assistance to eligible entities, including one or more local nonprofit organizations, to provide technical assistance to eligible entities in the area of community development and coalition building. An additional five percent would be provided to the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

In order to reach those individuals in greatest need of services and families whose children are at greatest risk of educational failure, eligibility for the District of Columbia Even Start Program has been focused on those individuals eligible to participate in an adult education program (i.e. those without a high school diploma or GED or with low levels of literacy). Parents who are still attending, or who are eligible by age to attend, a public school in the District of Columbia are also eligible in order to ensure that they receive an adequate education and, therefore, are able to assist their children to receive the best possible education. It is recognized that teenage parents are at great risk at becoming welfare dependents and that their children often suffer because of their poor parenting skills and low levels of education. Therefore, it is important to include this group of young parents in the list of those eligible for services under this program. However, it is also the intent of this amendment that these teenage parents receive the educational component of the Even Start program as part of the regular education program offered in District of Columbia schools. Further, any child of a parent who meets criteria outlined above and who is under the age of seven is eligible for services.

Finally, a priority is given to targeting services to families living in a school attendance area where schools are conducting a schoolwide program under Title I of the Elementary and Secondary Education Act. In this way, services will be focused on those families in greatest need.

The most recent report distributed by the Department of Education indicated that the average Even Start project did not provide sufficiently intensive instruction and did not obtain significantly greater gains when compared to a control group. Approximately 50 percent of the projects had their adults in adult education for fewer than 9 hours a month. Many parents participating in Even Start have very low literacy levels. It takes between 100 and 150 hours of instruction to raise an individual one grade level. As a result, 9 hours per month is not going to make the type of difference in the lives of participants to enable them to become—and remain—their child's first and most important teacher. Therefore, the District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. It is clear that programs which are of greater intensity

produce superior results. Therefore, it is imperative that only those projects which meet this requirement participate in the District of Columbia Even Start program.

In addition, the Chapter 1 Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires \$225,000 per year to operate. The District of Columbia Program authorization level assumes this level of funding for each program by limiting the number of projects which can be funded in a given year. Since this legislation eliminates funding for the District of Columbia under the basic Even Start program, the authorization amount for the first year would include funds for the existing Even Start projects as well as six new projects. Funding for the remaining years under this authorization would allow for the addition of six new projects each year as well as continued funding for the original projects.

Projects are also required to meet the matching requirements contained in the basic Even Start law. However, these requirements may be waived, in whole or in part, should the eligible entity demonstrate to the satisfaction of the Secretary that they will otherwise be unable to participate in the program.

Due to inclusion of the match provision, and the possibility that projects will utilize the entire amount appropriated for this purpose, language has been included which provides for a redistribution of excess funds among grant recipients which can demonstrate additional need.

Provision is made for an independent evaluation of the District of Columbia Even Start program in order to determine their effectiveness in providing high quality family literacy services. This evaluation should be completed by March 1, 1999, with an interim report issued by March 1, 1998. The results of the evaluation are to be used for purposes of program improvement and for determining the number of appropriate grants to be awarded by the Secretary in fiscal year 2000. Although the amount authorized assumes a funding level of \$225,000 for each project fund, it may become apparent, after the evaluation, that this amount is higher or lower than necessary to provide high quality Even Start Programs. It is, therefore, important that the Secretary be able to adjust the number of grants awarded to reflect the results of the evaluation.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

Subtitle D provides the assistance and the guidance necessary for the District of Columbia public schools to begin on the path toward a world-class education system. The core of education is the curriculum. While schools should have discretion with respect to some portions of the curriculum, and full discretion with respect to instruction and inputs, there is a legitimate public interest in ensuring that public schools teach students a core of vital concepts, factual knowledge, and skills. This care should address at least the key academic content areas of English, mathematics, science and history. There is a further legitimate public interest in ensuring that students' competence in this core curriculum represent a high level of achievement, in fact that it be world-class.

To assist the District, in particular the Superintendent and Board of Education, in establishing such a core curriculum, a panel of experts is established: the World Class Schools Panel. In order to provide the perspective of parents, one appointee is a parent of a student in the District of Columbia public schools. The proposal to establish such a panel has as its origin the request by the Superintendent and the president of the Board

of Education, in a reform plan submitted to Rep. Steve Gunderson on July 13, 1995, for approximately \$2 million for the development of new curricula and assessments. Such a need exists in the District public schools, but a nationally-established panel of experts is the proper vehicle for such an effort. Further, the panel is also directed to recommend model teacher training programs that individuals schools, or the school system, may adopt.

Because even the formal adoption of a high-quality curriculum constitutes only a minimal improvement if there is no way to determine how well students are mastering the curriculum, assessments that provide such information are also vital. To be of maximum use, assessments must inform parents of their child's progress, as well the progress of the child's school. Such information needs to be placed in the context of the performance of other schools, the District, other states, the nation, and especially, other nations that historically perform well on international comparisons of student achievement, such as Germany, France, Japan, and South Korea. Tools useful for developing such assessments are becoming increasingly available, such as through the third international math and science study, now underway, or through publicly-released items from the national assessment. Further, it is also important for such assessments to satisfy professional standards of reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association. To the degree that new assessments address such technical standards, it is also useful to have such assessments exemplify the range of knowledge and skills that students are intended to master in the core curriculum. It is the responsibility of the World Class Schools Panel to develop, or adopt, the appropriate assessments to accomplish these important purposes.

While the Board of Education is free to reject the recommendations of the Panel, if it chooses to do so it must still establish its own core curriculum and assessments that meet the requirements of this subtitle. The establishment of new promotion criteria ("promotion gates") by the Superintendent and Board of Education, another reform included in the reform plan submitted to Rep. Steve Gunderson on July 13, 1995 by the Superintendent and president of the Board of Education, is also required under this amendment. To ensure coherence in the system, the new assessments measuring achievement of the core curriculum will serve as one criterion for such "promotion gates," though not necessarily the only criterion.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

Subtitle E of Title II of the bill directs the District of Columbia to develop a per pupil formula for funding K-12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to a January 1995 report by the District of Columbia Committee on Public Education, "Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures." The report further states that, "By almost any measure, student academic performance has worsened." This information is disturbing and as a result the District of Columbia is directed to establish a uniform formula for funding the education of students enrolled in either public charter schools authorized in subtitle B of this amendment or the District of Columbia School System, and to have the General

Accounting Office do an audit of the student enrollment count.

To account for appropriate differences in the costs of educating different types of students, the formula shall take into account such variations for students at different grade levels as well as for students with special needs. The District will define "special needs," but it is expected to address such categories as students with disabilities, students that have dropped out, and highly disruptive students. Such a formula will clarify and focus decisions regarding funding for public education around students' needs.

For FY 1996, \$75,000 is authorized for the General Accounting Office (GAO) to audit the student enrollment count of the school system. For FY 1996 through FY 2000, \$200,000 is authorized for each year for transition costs associated with starting public charter schools. These funds are necessary due to the school year beginning in September while the fiscal year begins in October, therefore resulting in a one month funding gap for any new public charter school.

Subtitle F—School Facilities Repair and Improvement

Subtitle F of this amendment begins to address the facilities problems that plague the District of Columbia schools. It is appalling that the schools of our Nation's capital have had to be closed, as a result of judicial intervention, because they were deemed unsafe for children. This subtitle encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the District of Columbia schools.

A January 1995 report by the District of Columbia Committee on Public Education entitled "Our Children Are Still Waiting" noted that the "District must generate a sense of urgency in the business and philanthropic community and re-enlist them in targeted support for very particular, concrete school reform goals." Congress agrees with this statement and is asking the General Services Administration to step in and help guide the District of Columbia Public School System through school facilities repair and improvements. It is not the intent of this amendment for Congress to take over the maintenance of the school system, but rather to become a partner with the school system to help repair and improve school facilities. This is not a long-term arrangement, but shall last no more than two years. It is also the expectation of Congress that this partnership will make appropriate use of the "Superintendent's Task Force on the Education Infrastructure for the 21st Century: Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools". As the plan notes, "this preliminary plan is a first step in obtaining the District of Columbia's assessment of its public school facilities, the children served by them and a sense of their entitlement to high quality services."

The report further states that "While this preliminary plan creates a framework for moving forward, it does not complete the planning task. It suggests a considerable departure from business as usual and requires the disciplined coordination among all components of DCPS, other city entities and community stakeholders that are currently intervening to impact both student population trends and quality of life in the city." It is the hope of Congress that this report will be useful as a starting point to complete the task at hand and that cooperation, innovation and efficiency will prevail. Further, it is the hope of Congress that such a revitalization of school facilities will take hold and become a permanent fixture in the school system of our Nation's capital.

Subtitle G—Department of Education “D.C. Desk”

Subtitle G of Title II of the bill requires the Department of Education to establish a “DC Desk” to help coordinate efforts by the District of Columbia school system to apply and receive federal grants. The Director of the DC Desk shall be appointed by the Secretary of Education and shall not be paid more than a GS-15 rate of the General Schedule.

The duties of the Director of the DC Desk shall include coordinating with the Superintendent a comprehensive technical assistance strategy, identifying federal grants for which the District of Columbia public schools may be eligible and identifying private and public resources that could be made available to the District of Columbia Public School System and public charter schools established under subtitle B of this amendment. By providing this additional resource at the federal level to the District of Columbia, it is expected that greater resources will be infused into the District of Columbia Public School System to provide new and innovative approaches to learning.

Subtitle H—Residential School

Subtitle H of Title II of the bill authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia. Two million dollars are authorized in FY 1996 to develop and initiate a residential school program, of which no more than \$100,000 may be used for planning purposes.

In a July 13, 1995 reform plan submitted to Representative Steve Gunderson, the president of the District of Columbia Board of Education and the Superintendent of the District of Columbia Public School System proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is my expectation.

Several school systems have public residential schools operating. Chicago is experimenting with the idea in a public housing complex. As the Washington Times reported: “For centuries, the children of the rich have been sent to boarding schools in search of a tightly controlled educational environment . . . Now in Chicago, children of the not-so-well-to-do will soon get to try something similar.”

By providing a residential school in the District of Columbia, as has been done in Chicago, Texas, North Carolina and several other jurisdictions, a new alternative will be created for District of Columbia students to learn and thrive. By offering a new opportunity for District of Columbia residents and their children, D.C. children will have another way to succeed in school and in their future.

Subtitle I—Progress Reports and Accountability

Subtitle I of Title II of the bill, requires that no later than 60 days after enactment of this Act, the District of Columbia Council must submit a report to Congress describing actions the Council has taken to facilitate first-year reforms within the District of Columbia Public School system. In order to allow for local legislative discretion as well as responsibility, this amendment does not include a number of legislative components that would facilitate public school reform in the District, including implementation of the first-year reform agenda of the District of Columbia Public School System. In response to this demonstration of respect for the principle of Home Rule, it is the expecta-

tion of Congress that the DC Council will act swiftly to enact such legislation following the enactment of this Act by Congress.

Subtitle I also requires that the Superintendent submit to Congress, no later than August 1, 1996, a report regarding the status of implementation of a far-reaching first-year reform agenda. This agenda is based on the reform plan submitted by the Superintendent and the president of the Board of Education to Rep. Steve Gunderson on July 13, 1995, “Accelerating Education Reform in the District of Columbia: Building on BESST.” While ambitious, the agenda described in this subtitle does not include every single item contained in the July 13, 1995, reform plan, only those that are most critical and of the highest priority. This year, Congress is resisting the temptation to micromanage, abolish or replace the institutions governing the DC Public School System this year, on the expectation that comprehensive reform will be implemented. Over the course of the next year Congress will conduct appropriate oversight. When considering the FY 1997 budget for the District, Congress will evaluate the progress of this implementation and decide whether to intervene more directly to redesign the governance arrangement for public education in the District.

Subtitle J—Low Income Scholarships

Subtitle J of Title II of the bill establishes a low-income scholarship program. Under the program, a non-profit corporation is established to administer two kinds of scholarships for District of Columbia residents: (1) tuition scholarships; and (2) scholarships for after school activities or the costs of transportation. The program is part of a broader education reform package whose goal is to expand the range of choices for low-income families and to improve the quality of education in the District of Columbia. Within this broader framework, existing private and independent schools in the District and surrounding jurisdictions are only one component.

The tuition scholarships will cover the full costs of tuition, up to \$3,000, for students below the poverty level. For students between 100 percent and 185 percent of the poverty level, the scholarship will equal one half the costs of tuition, up to \$1500. Tuition scholarships may be used at participating private schools in the District as well as public or private schools in surrounding jurisdictions.

The scholarships for after school activities or transportation will cover the full costs of such activities, up to \$500. Eligible students are those whose family incomes are no more than 185 percent of the poverty level. Such scholarships are available for use within the District of Columbia at either traditional public schools, public charter schools as established under this legislation, or private schools. Such scholarships are envisioned to be used, among other things, for payment of the costs of after school tutoring, rental of band instruments, the costs of summer school, or the costs of traveling across town to attend a new public charter school.

The corporation established to administer the program is directed to award, to the extent feasible, an equal number of the two types of scholarships (i.e. tuition scholarships and after school or transportation scholarships).

A seven member Board of Directors will oversee the operations of the nonprofit scholarship corporation. Six members are to be appointed by the President from nominations submitted by the Speaker of the House of Representatives and the Majority Leader of the Senate. One member will be appointed by the Mayor of the District of Columbia.

During hearings held by the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee, testimony supporting the scholarship concept was received from several sources. First, at the Subcommittee hearing of June 27, 1995, Eened Simmons, Director of the Office of Policy for the Mayor of the District of Columbia, spoke in favor of private school choice, though with limitations. The Office of the Mayor has advocated meanstesting for any choice program. This amendment recognizes the wisdom of such a provision, and accordingly has made the scholarships available to those families with incomes at or below 185 percent of the poverty level.

Second, at the same Subcommittee hearing, Otis Troupe, the Chairman of the Vouchers Committee of the Education First Coalition, strongly endorsed private school choice as a means of improving the education of District children, though he endorsed a different mechanism than that contained in this amendment. He noted:

“I am a particularly enthusiastic proponent of voucher-supported public education. . . . To my mind, a program of voucher-supported fully accredited alternative schools will very quickly bring a flexibility of choice to the sterile landscape of ‘non-options’ that are currently offered to parents of DC school children. . . . Once operational, vouchers would immediately and drastically expand the choices available to participating parents. Immediately, children in the vouchers program would experience a drastically expanded range of choice [sic] for schools and academic programs.”

Because of the concerns of some in the District that a voucher system would remove local public funds and send them to private schools, such an approach is not contained in this amendment. The concept of permitting greater choice among all schools for low-income families who cannot afford choice at present, however, is maintained in this amendment.

Third, the Education and Libraries Committee of the District of Columbia Council responsible for education legislation unanimously (5-0) “embraced,” in an official committee report dated July 21, 1995, a Federally-funded scholarship program. It is this approach that is embodied in this subtitle.

Fundamental to the concept of this scholarship program is the maximization of equality of opportunity for low income families. The tuition scholarships will provide such families with the same kinds of choices—including private schools in the District as well as public or private schools in surrounding jurisdictions—that higher income families already have available. The after school activities and transportation scholarships are similarly targeted toward low income families.

Some establishment clause concerns have been expressed regarding whether this amendment provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of section 2553(c) of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This amendment envisions no discrimination for or against private schools on the basis of religion in the operation of this program, but instead neutrality.

Section 2557(a)(1) of the bill prohibits independent and private schools from discriminating on the basis of a student’s disabilities if the school is equipped to provide an appropriate education. This part of section 2557(a)(1) is intended to reflect current law

requirements under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past 12 years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller v. Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest v. Catalina Foothills School Dist.*, 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic High School.

In these cases, the Court established that such assistance is permissible if (1) the choice where to use assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program fulfills these criteria. Like the G.I. Bill and federal daycare assistance, the choice of where funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools.

The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

Subtitle K—Partnerships With Business

Within the context of limited public resources and an ever increasing demand for additional and more effective services—Subtitle K of Title II is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The centerpiece of this Subtitle is the establishment of the District Education and Learning Technologies Advancement (DELTA) Council. The DELTA council will bring together representatives of business, community leaders, and others willing to contribute time, energy and resources to carry out a variety of activities related to education, training and employment within the District of Columbia.

The DELTA Council, (established by a non-profit corporation selected by the Superintendent of DC schools), has many important functions, including coordinating donations from the private sector so that they are used in a comprehensive and effective manner with full accountability. It is expected that the corporation, through the DELTA council, will not only meet, but surpass, the goals set forth in the legislation to match the Federal grant amount at an increasing rate (up to 5:1) over the three year authorizing period. It is intended that the DELTA council will work with the General Services Administration in the coordination of donated services related to the repair and improvement of schools.

The integration of up-to-the minute educational technology into an inner-city school

curriculum has shown impressive results. A recent article in the National Journal focused on the impact such an initiative had on schools in Union City, N.J.:

"Bell Atlantic Corp., the Philadelphia-based regional Bell operating company, provided computers and wired the classrooms and homes of students, teachers and administrators to join them all in an electronic network. It then connected the network to the Internet and a host of multi-media education programs. 'We initiated the project to test the technology—which works'; John G. Grady, the manager of Bell Atlantic's Video Service, explained 'But we were surprised in a wonderful way with the educational outcomes.' Truancy and dropouts plummeted; test scores soared. All the schools in the district raised their levels of attendance and student achievement."

Under this legislation, the DELTA council, in conjunction with the Superintendent, students, parents and teachers will establish and implement strategies to ensure access to state-of-the-art educational technology. This process will begin with a comprehensive technology assessment which, to the extent possible, shall be done pro bono by a qualified private sector firm. Based on this assessment, the DELTA council will facilitate the development of a short-term technology plan to be carried out in conjunction with the schools, students, parents and teachers.

It is recognized that computers, hardware, software and access to emerging technologies do not, by themselves, ensure success. In fact, they are worthless if they are not utilized effectively and constructively. As such, teachers need to be knowledgeable both on how to use these technologies as well as how to teach such technology and the applications of such technology.

Under this legislation this vital link is established through the creation of a Professional Development Program for Teachers and Administrators. This program will bring together teachers, school administrators and universities within the District of Columbia in order to provide professional development for teachers. This training will include private sector training of teachers in the use, application, and operation of state-of-the-art technology in education. This program will also provide training for school principals and other school administrators in effective private sector management practices.

The unemployment rate for 18-25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. Subtitle K provides for the District of Employment and Learning Center, "DEAL Center". The center will provide the district with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a viable option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining

the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal program. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. It is further encouraged that the Mayor and other local officials coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is also expected that initiatives will be carried out with District of Columbia Public School System and interested public charter schools at the secondary level to facilitate the integration of rigorous academic studies with workforce preparation programs. In particular, it is the intent of this amendment to promote the expansion and quality of current high school career academy programs as established in certain District of Columbia schools.

This amendment also recognize the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 youth people in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This amendment provides funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve at least half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

Subtitle L of Title II of the bill authorizes the Mayor to condition welfare benefits on parent attendance and participation in parent-teacher conferences once every 90 days. The Mayor must submit to the Secretary of Health and Human Services a plan for implementation of such a program. The plan must state how the Mayor plans to administer the program, conduct evaluations of the program, monitor the participation of parents, withhold and reinstate benefits, and long-term plans for the program. Beginning October 1, 1996, the District of Columbia is required to annually submit a report to the Secretary of Health and Human Services and Congress on the progress and report of this program.

The idea for such a program arose at one of the many consensus meetings I held to develop this comprehensive reform package. It was suggested by teachers who emphasized the need to ensure greater parent involvement. Further, it is consistent with the overall philosophy of the reforms proposed by District of Columbia school officials. In a July 13, 1995 letter to Representative Steve Gunderson, Mrs. Wilma Harvery, president of the District of Columbia Board of Education, and Franklin Smith, Superintendent of the District of Columbia Public Schools, cited the value of parent involvement in the success of both schools and students. "Parent and community involvement are critical to

student and school success . . . Research show parent involvement is a crucial component in school success."

The Carnegie Corporation issued a report in June 1989 entitled "Turning Points: Preparing American Youth for the 21st Century". The report states the need to reengage families in the education of our children and to have them become more actively involved in the school. "Reversing the downward slide in parent involvement and closing the gulf between parents and school staff with mutual trust and respect are crucial for the successful education of adolescents." It is intended that this subtitle on parental involvement will re-engage parents to become actively involved in the education of their children.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I would plead with my colleagues to listen to only one special interest group today, and that is the special interest group that is never heard. That special interest group is the children's special interest group. That special interest group is the children's special interest group of low-income families.

Mr. Chairman, I ask my colleagues to please not listen to any of the others. We had that kind of consensus, until all of the sudden special interest groups decided that we should forget about the children. Let us only think in terms of whatever it is that we think is important, and I am asking my colleagues to think about children.

Mr. Chairman, I am also asking Members to think about the amount of time that was put into developing this in a cooperative fashion. The gentleman from Michigan [Mr. HOEKSTRA] had 20 people from all segments of the District of Columbia society come and testify. The gentleman from Wisconsin [Mr. GUNDERSON] has gone all over this community.

Mr. Chairman, we had a town meeting downtown, and I closed the town meeting, my part of the town meeting, by saying that it is my hope that as adults we will think as adults and not act like children. My fear is that we will act like children and children will suffer.

We are always talking about demonstration projects around here. Mr. Chairman, here is a golden opportunity to see a demonstration project firsthand right here. We owe it to the community. We owe it to the children. We can watch it right here in the Nation's Capital.

Mr. Chairman, I would encourage Members to understand I too have always opposed vouchers. I oppose vouchers now. We are not talking about vouchers. What we are talking about is a scholarship. Not to the wealthy. We are talking about a scholarship to low-income youngsters who cannot benefit from any other program that is pres-

ently out there. We are talking about what it is we can do to help parents become the first and most important teacher a child will ever have. That is what this is all about.

Mr. Chairman, let us speak for the children today. Let us not pay any attention to any other special interest group; just the children. The children of the District of Columbia and the parents of District of Columbia children with low-income. Mr. Chairman, I plead with Members to ignore all other special interest groups.

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment.

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment. I do so with a great deal of respect for the distinguished gentleman from Wisconsin who has spent countless hours on the most laudable of goals—improving educational opportunities for thousands of children in the District of Columbia. I know that he has consulted, cajoled, and compromised with District officials, and others intimately involved with this effort, to develop a consensus education reform package that could move the District public schools toward a world class education system.

Nevertheless, Mr. Chairman, the Gunderson plan, no matter how laudable the effort, simply does not belong on this appropriations bill. This amendment is a 142-page bill that authorizes some \$100 million over 5 years for a variety of initiatives relating to the District of Columbia public schools. This amendment does not appropriate one additional dime to the District of Columbia. This is a proposal that should have been considered by the Government Reform Committee and the Economic and Educational Opportunities Committee. Those are the committees that have jurisdiction over this matter, not the Appropriations Committee.

Attaching this legislative proposal to this bill will most certainly result in a protracted conference with the Senate over this matter, and will most certainly result in a delay in getting critically needed funds to the District of Columbia.

Moreover, we cannot escape the fact that there is a deep disagreement over the substance and underlying philosophy of this proposal. It is deeply flawed in several respects. First, more than 40 percent of the new authorizations in the bill—some \$42 million—is for so-called low-income scholarships. These funds would not be spent improving the quality of the District public schools—the stated intent of the Gunderson plan.

Rather, almost half of the additional funding in the measure would be spent to provide Federal funds for scholarships to low-income District students to attend private and religious schools

in the District and the suburbs. Call it what you will, this is no different than a private school voucher plan. The Secretary of Education who also believes that it is a private school voucher plan says that "This aspect of the draft act is highly objectionable as a matter of good public policy."

Mr. Chairman, I cannot support the Gunderson amendment with its provisions to divert limited Federal resources to private and religious schools, with little or no public accountability for how the funds would be used. The proposal contains virtually no requirements that schools receiving these vouchers be accountable to the public for the type or quality of education they provide. There are no requirements governing quality of curriculum or teaching.

Moreover, this program is unconstitutional. The Supreme Court has consistently struck down aid programs that constitute public subsidies of religious schools.

Mr. Chairman, the Gunderson plan would also authorize the creation of so-called charter schools in the District of Columbia—a concept that the District Board of Education has already addressed. I have to ask the question why Congress must step in to tell the District school board to do what it already has the power and authority to do.

Of course, the answer is that this is all about the Republican ideology to promote privatization. There is a political agenda here to permit private schools to receive public education funds—pure and simple. The Gunderson plan would allow almost anyone to set up a taxpayer-funded charter school with minimal requirements. The Gunderson plan would simply drain resources from District public schools to these new charter schools, increasing the financial burden on a school system already fighting near collapse.

Under Gunderson, charter schools would operate independently—free of any meaningful requirements to ensure academic standards, preserve students' civil rights, or protect school employee rights. Charter schools would not be required to meet standards to ensure that teachers are qualified to teach or even have a minimal level of education. Charter schools would be outside the protections and rights of collective bargaining agreements between the public school system and employee unions. Charter schools would be outside standards that apply to other schools regarding health, safety, and other measures that affect the well-being of pupils and staff.

Mr. Chairman, these provisions strike at the heart of public education. This plan does not promote meaningful educational reform in the District of Columbia's public schools. I urge a no vote.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY] the ranking member of the Committee

on Economic and Educational Opportunities.

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Chairman, I rise to oppose the Gunderson amendment because it mandates a voucher program to finance the education of students from the District of Columbia in private and religious institutions. These vouchers could be used not only in private schools in the District of Columbia, but in surrounding jurisdictions as well. Mr. Chairman, a voucher by any other name is still a voucher.

As a preliminary matter, this provision violates home rule. The citizens of this great city should not be blackmailed by Congress into measures detrimental to the well-being of their schoolchildren simply because we hold power over the District's purse. The elected leaders of this city have not asked us to impose a program on its school system that strikes at the heart of public education.

The voucher provisions of the Gunderson amendment are contrary to the cause of school reform and may be unconstitutional. Furthermore, they do not promote overall improvement of education for all children, rather they drain much needed resources from underfunded public schools. I never thought I would see the day that this Congress would allow Federal funds to be diverted to schools which will be free to discriminate against students, including the disabled, even in their admissions policies.

Mr. Chairman, in my committee we have struggled to examine the consequences of vouchers. A little over a week ago, we conducted a field hearing in Milwaukee, WI, in a bipartisan attempt to assess what lessons a voucher program there held for national education policy. The answers are far from clear, and there is no sound evaluation data from which we can draw reliable conclusions.

The Gunderson proposal does not address those questions, but it does raise many others. How would District schools benefit from diverting funds to Montgomery County and Fairfax County schools? I do not dispute the obvious fact that some individual students may profit, but how in the world would that improve educational quality in the District for those not privileged to be accepted by private schools in neighboring States?

Mr. Chairman, the Congress has no right to establish a laboratory for radical experiments in the District of Columbia that would treat its children as guinea pigs. We would not impose the same ridiculous conditions on free citizens of any other jurisdiction. I urge my colleagues to oppose the Gunderson amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS], the chairman of the Subcommittee on the District of Columbia.

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

Mr. DAVIS. Mr. Chairman, the city schools are in crisis, and I want to compliment the gentleman from Wisconsin for working with many myriad of business and civics groups to bring this proposal before the House today.

Mr. Chairman, the city schools are in crisis. Less than 43 percent of eligible students are graduating from high school, and the students who graduate from high school, who are lucky enough to receive that diploma, in many cases are unable to go forward with a college education or vocational education or even to find jobs.

Mr. Chairman, what I have heard from the other side of the aisle is no proposals, no solution. If money were the answer, we would have solved this problem a long time ago. Over \$9,000 per student, higher than any State in the United States, is the average that the city is spending on students today. But pouring money into this is not by itself the solution, although this proposal gives more money to the city than they currently get today. More money for Even Start; charter schools, bringing entrepreneurial modes into this.

We have heard a lot of talk about vouchers and opposition to scholarships. The city already does this. They do it under the ADA proposals for handicapped students today. Millions of dollars are going into private schools from the city, some of them out in Fairfax County. Accotink Academy, the School for Contemporary Education, giving people who qualify, under those laws passed by Congress, an opportunity.

Mr. Chairman, why cannot we extend this to the poor in the city as well, instead of condemning them to an educational system which has given them nothing but failure to date. We have a higher responsibility in this body than to just turn our heads.

This has been worked very closely with local citizen groups, with the local business community, to try to bring as much of a consensus that we ever can to these very difficult problems in the District of Columbia.

Mr. Chairman, I think this is a great start for the students in the city who are not hurt in this debate. The interest groups who are afraid of some kind of precedent are opposed, and some of the unions are opposed, but the students are the ones that really should be our interest.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, earlier this year the Republican majority approved cuts of \$3.5 billion from discretionary education programs, including over a billion dollars in title I. The District of Columbia will share in those reductions. The harmful effect of those cuts will far outweigh any benefit, poten-

tially, that may accrue to the District under the Gunderson amendment.

Mr. Chairman, my fundamental objection is that this amendment should not be here on this bill in the first place. We are 1 month into the beginning of the fiscal year. Ninety-two percent of the Federal budget is still being held up on the appropriated side of the budget.

Mr. Chairman, it is because amendments like this are being attached. This is a legislative issue. It ought to be dealt with by the legislative committee. It is a 144-page add-on which our committee has had absolutely no hearings on and which we should not be passing on here today.

Mr. Chairman, I know that most Members will vote for or against the amendment. I am profoundly opposed to this amendment. Not only because it should not be on the appropriation bill, but also because I think it has profound national implications as well. But even if I am the only one, as I was yesterday, I am going to vote "present" when the vote comes on this bill to simply indicate my objection to the constant practice of bringing legislative items to this bill that should not be here.

Mr. Chairman, I was not elected to be a city councilman for the District of Columbia. I was not elected by District residents in order to decide what their education rules are going to be. If they do not like what the Congress does here today, they cannot vote against us.

□ 1315

That breaks the principle of accountability. It indeed means taxation without representation. It means the establishment of policy without representation. That, in my view, means that this amendment constitutes an illegitimate legislative act. That is why I am going to vote "present" on these and all other legislative items, because we have no business in this forum, in this committee, voting on this issue.

If the gentleman from Pennsylvania [Mr. GOODLING] likes the idea, then, fine, do your duty and bring it out of your committee. That is the committee of jurisdiction.

Mr. GUNDERSON. Mr. Chairman, pointing out that there are no mandates in this bill on D.C. schools, I yield 1½ minutes to the gentleman from New York [Mr. WALSH], the chairman of the D.C. Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. GUNDERSON], my good friend and distinguished colleague, and I rise in support of his amendment and offer him my deep gratitude for the work that he has done.

Mr. Chairman, we did, in fact, have hearings in our subcommittee regarding education where we discussed the issues with parents, students, teachers, school board members and other interested parties. The schools and the kids

need help, Mr. Chairman. Our subcommittee received many requests to make changes in the District's public schools. We considered cutting the pay of school board members. We considered cutting their staff. We considered forcing other changes. But we held back.

The work of the control board and the work that the gentleman from Wisconsin [Mr. GUNDERSON] has done I think, will have a dramatic and positive effect in the very near future on the quality of education in the District of Columbia.

Mr. Chairman, this vote is for the kids of this city. Wealthy families in Washington, DC, have had, and continue to have, the choice, the opportunity, to send their kids to private schools or public schools. What we are suggesting is that we are in favor of middle-class families and poor families having those same choices.

We believe that there is no greater gift that parents can give their children than a quality education. That should not be just for wealthy families, Mr. Chairman. That should be for poor families, middle-class families and all families in the District of Columbia. This goes a very short way in helping that to happen. I am hopeful that success will breed success and others will contribute to this scholarship program.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from the beautiful State of Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this is a critical critical issue that has been at great debate for 200 years in this country. Religious institutions, including schools, have an absolute, unhampered, unbroken, historic tradition, constitutionally protected right to practice religion with no government restraints.

The public, on the other hand, has an absolute right to require, through government, accountability and responsibility from any institution that takes its money. Therefore, 200 and plus years ago, the Founders said, thus, no government public money shall go to aid any particular religion or religion generally. They were trying to avoid the entanglement of mandates and regulations from this body or any government body over religious institutions. That is why we oppose vouchers by any name, whether you call them scholarships or parochial aid.

Understand, my colleagues, this money just does not go to the District of Columbia. It goes to Montgomery County, Prince George's County, Arlington County, Fairfax County, and Alexandria County.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my colleague in arms, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Gunderson amendment which would drastically improve the schools in our Nation's Capitol.

Early this year, after Congressman GUNDERSON was chosen to lead the D.C. school reform effort, he asked me if I would help. For many years, my wife and I have helped get money and equipment to help build and equip hospitals, orphanages, and fire departments all over the world. In our hometown, we helped found, fund, and build a day care center for welfare mothers, so when the gentleman from Wisconsin called on me, I was excited to have the opportunity to help.

Approaching businesses for donations is something I have done all my life and so I understand the concept of lining up suppliers of construction materials. Next I approached local construction firms to see if they would assist in the effort. Their reaction was positive but they warned me that they had been involved before and that soon after the repairs had been completed, the repaired schools had been vandalized. They also advised me that the many regulations affecting construction in the District of Columbia made their efforts more difficult because of wasting money. The Davis-Bacon Act and the Fair Labor Standards Act restrictions on volunteers topped the list. Unfortunately, due to the opposition of Delegate NORTON and others, the Gunderson amendment does not include these waivers, which will be a disincentive to participation by the local construction industry.

Raynard Jackson, an aggressive young Republican, offered to line up volunteers and suggested getting additional volunteers from local industrial schools to help in the areas for which they were being trained such as carpentry, plumbing and electrical work. This would help provide on-the-job training for these young people and help them gain skills for the future. This effort is also in jeopardy because the waiver on volunteers was not included.

Although the opposition to these waivers has made the job of repairing D.C. schools more difficult, I am still willing to help and I still support the Gunderson amendment. That is really saying something, because my colleagues know how much I oppose the Davis-Bacon Act. Without being critical, I would offer an old adage to the D.C. Delegate and other leaders; "Don't look a gift horse in the mouth." Many of us care about the District of Columbia and want to help. Do not throw roadblocks in our way. Let us not let partisanship jeopardize the future of D.C.'s school children. Let us not waste this opportunity. Support the Gunderson amendment.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, I rise today in admiration of the gentleman from Wisconsin [Mr. GUNDERSON] and in opposition to his amendment.

Mr. Chairman, like the gentleman from Wisconsin [Mr. GUNDERSON], I am a strong supporter of reforming public education in the district and find a number of ideas contained in his bill to be promising and worthwhile. But I oppose this amendment's language that would authorize use of Federal taxpayer funds to pay for private school vouchers or scholarships or whatever it is that we choose to call them.

I appreciate the efforts of the gentleman from Wisconsin [Mr. GUNDERSON]. He has met tirelessly with representatives of the community and those with a stake in the schools. Unfortunately, it is not enough simply to have meetings.

We have before us today an amendment that would create a very broad-based experiment in the lives of children. The gentleman from Wisconsin [Mr. GUNDERSON] has called this the best compromise we can achieve, and yet the committee of jurisdiction has not held one hearing on this detailed plan, much less a markup or any working compromise among Members that might have achieved real consensus.

My greatest concern is that there is little or no public accountability on how these dollars would be used. This amendment fails even to define what a school is for the experimental purposes under this plan and who can be a teacher in one of those experimental schools. There are provisions for a report to Congress, but nothing to ensure that the scholarship schools raise the achievement of students, nothing to ensure that we are not using Federal money to transfer students from one environment to another, with no real benefit to the kids.

At the same time, there is no real provision in this bill that provides for an effective, unbiased, comprehensive, scientific evaluation of the program that would give us an accurate picture of any positive or negative results as the plan proceeds.

For the reasons I have just outlined and a thousand questions unasked and unanswered, the dollars provided for in this amendment are highly questionable as a matter of good public policy. Maybe that is too strong. Maybe it is just uncertain as to whether it is sound public policy.

If we are to truly respect the longstanding tradition of this body to conduct careful deliberation, then I urge Members to vote "no" on this amendment so the committee with jurisdiction in matters of education may undertake even the most basic work and study that this significant change in policy requires.

A school is eligible to receive Federal voucher funds if it enrolls 25 or more students and can produce a financial statement. If it is a newly created school, it needs to produce 10 letters of support from the community. This is not a responsible reform that will benefit children. It is a business opportunity that has no way of guaranteeing a better schooling for the children involved. It is an invitation for

fraud and misuse of funds. There are provisions in this amendment for a report to the Congress, but nothing to ensure that the scholarship schools raise the achievement of the students—nothing to ensure that we are not merely using Federal money to transfer students from one environment to another with no real benefit to the child.

At the same time there is no provision in this bill that provides for an effective, unbiased, and comprehensive scientific evaluation of the program that would give us an accurate picture of any positive or negative results. The evaluation component of this amendment is so minimal, and only applicable after 4 years, that it will not tell us anything reliable. In an experiment such as this we need to be able to discover what is working, what is not working, what problems have come up—foreseen and unforeseen. We need information about how the children did in their previous schools, what changes in behavior occur, the list goes on and on. The simple statement that an evaluation should be done after 4 years, with only a few specifications on what should be evaluated, will not produce the detailed results we need to hold this program accountable.

This amendment is also a lesson in illusions. There are fewer than 10 schools already operating in the District of Columbia that have tuition at or below the voucher level. In an informal survey, my staff found only a handful of slots open for students to enroll in these schools. These schools also seem to include many hidden costs, fees, and no provisions for transportation. The Speaker offered to fully fund this program for low-income students in the District, but there are not nearly enough openings in private schools in the surrounding areas to accommodate all of those children. There are instances where public schools in the surrounding areas will take students from outside their own district, but those instances are rare and much more costly than the voucher provides. Why then, are we tying up these millions of Federal taxpayer dollars for this program when they could be used to improve the public schools that serve all children in the District?

There are also no provisions in this bill to assure that students who want to participate in this program will be protected by civil rights laws once they are in these private schools. There are no provisions to provide for the disabled students, who often carry with them the need for costly special services. These same services are required by law to be provided by the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON], also a member of our committee.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gunderson amendment.

Mr. Chairman, I would like to say that I was one of the Members who went to Milwaukee to see what the people in Milwaukee had to say about their school voucher program. One of the conclusions that I could not help but make there is that the kids, the moms, the dads in the program love it. They think it is wonderful. The academics, the school education officials who are involved with the unions, they do not like it.

I remember one young lady by the name of Yolanda who came up to me,

she was in the audience, and told me about how much this program has impacted her and about how she has gone from a grade point average of 1.4 to 4.0 and how she thought we needed to expand the program in Milwaukee and indeed expand it all over the country.

That is what my good friend from Wisconsin is trying to do here in this bill, to do something for these kids.

The opponents of this amendment have nothing to offer. I feel that we should all support this amendment. It is a good amendment.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Wisconsin [Mr. GUNDERSON], my colleague on the committee, for his genuine concern and dedication to education. But even with that I must oppose his amendment. Major authorizing legislation like this should be given careful consideration in a separate bill and obviously should not be attached as an amendment to an appropriations bill. It should go through the Committee on Economic and Educational Opportunities that I serve on with the gentleman from Wisconsin [Mr. GUNDERSON]. I believe that the proposal should go through that committee and have full hearings.

In fact, the Gunderson amendment could actually be instituted by the local community without having to have the structure coming through this Congress. They can create their own programs that they want to, and it does not have to be through the U.S. Treasury. They could do that if they wanted to, without this Congress telling them. Let the local people make the decision, whether it be in my district or here in D.C.

The Gunderson amendment could have dramatic effect because of the private school issue and the Constitution. But let me also say that the concern I have is it may be cherry-picking or picking good students out of the D.C. school district and only to go to certain other school districts. I am concerned because we need those children in the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF], my friend, my classmate and my colleague.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. GUNDERSON] for offering this amendment. This is our chance to help the students in the District of Columbia.

Mr. Chairman, my daughter taught for a year in the District of Columbia. I want to tell you, the schools are not doing very well. We are losing young people year after year after year. If I

were a parent and had children in the District of Columbia schools, I would want this bill so badly, and no one in this body should oppose this bill.

Mr. Chairman, how many Members of this Congress, Republican and Democrat, who live in this region have their children in the District of Columbia schools? The answer is probably few or maybe none.

I commend the Speaker. I commend the gentleman from Wisconsin [Mr. GUNDERSON]. If this bill goes down, you will lose children. To vote against the Gunderson amendment is to vote against the young men and boys and girls in this school, in this District of Columbia.

None of you would send your kids to these schools. None of you would send your kids to these schools.

This is a good bill. The Gunderson amendment is a good amendment. The Speaker should be commended. It will disgrace this body if this amendment fails.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in opposition to this amendment that allows the use of Federal funds in education for the so-called low-income scholarships. This proposal will establish a voucher program, will only serve to worsen the situation that my colleague from Virginia pointed out, because the vast majority of students will be left behind in a school system with even less resources than they have now.

This amendment will not increase parental choice. In a voucher program, the parents do not have the choice. The private schools have the choice. They will choose the students already in their schools first and then the students who excel in academics next.

In the hearing in Milwaukee to which there was reference, we found that the vast majority of students will be left behind in a school system with less funding than could have been available had they not had the voucher program.

Mr. Chairman, this amendment will do nothing to improve the situation in the Washington, DC, public school system. I urge my colleagues to join the Washington, DC, residents themselves who have already spoken in opposition to this idea in a referendum and reject this amendment.

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Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], also a member of our committee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and for his tremendous initiative and leadership in this area.

I am very glad to follow the gentleman from Virginia. I have a lot of respect for him. A couple of weeks ago we were both in Milwaukee for a field

hearing of the Opportunities Committee. We looked at that school system's implementation of school choice for low-income families.

What did we hear? The parents and families participating in that program have a high degree of satisfaction with the program, that school choice is increasing parental involvement in public education, and that is what the Gunderson amendment is all about. It is about shifting the educational paradigm, changing focus from providers of education to consumers of education. This is not about Republican or Democrat, conservative or liberal. It is about empowering low-income families and giving low-income parents the same choice that more affluent parents have to provide educational opportunity for their children.

Mr. DIXON. Mr. Chairman, I yield on-half minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in the hearing in Milwaukee we did hear great satisfaction for those who were in the program, but the fact is we did not hear from those who were left behind with fewer resources.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I want to commend my friend, the gentleman from Wisconsin [Mr. GUNDERSON], for a well-intended attempt to help D.C. schools. But the message I bring is that the people who live in the District know how their youngsters should be educated.

We have said in this Congress that this Congress is tired of micromanaging and passing down things to States. Use that same rule of thumb in dealing with the D.C. school system.

I am sure each of us has some well-intended desires, but it took under, President Bush's administration, 2 years to even study, to get to Education 2000. Now we are going to do this on an appropriations bill.

It is very, very inadequate planning in education. This is a crucial thing, the education of the youngsters in the District of Columbia.

I want to let this Congress know that the youngsters in the District of Columbia have every right to a good education that is well thought out and well constructed and a systematic approach leading to education. No one-shot-overnight deal for them is going to work.

So be sure, before you vote for anything, to vote against this amendment. No matter how well intended it is, it is a very dangerous initiative.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, I have great respect for the commitment of the gentleman from Wisconsin to education. I am a bit shocked that he has allowed himself to be used to make this kind of presentation.

What the American people fear most is Federal interference in education. Here is a situation where the children of the District of Columbia will be made guinea pigs of the radical right. You will have a private plantation system developed where without any kind of accountability, experimentation will be run out of the Speaker's office. It is the worst kind of situation where Federal money is going to be used in a very partisan way to set some precedents that then will be used for the rest of the country.

The precedent with respect to vouchers has been discussed a great deal. We have discussed vouchers. We have gone through that. The American people rejected vouchers for private schools. To come through the back door in this way, using the power of the Speaker's office and holding out carrots for a District which is desperate for funds, is the wrong way to do it. The American people will not tolerate it.

I hope we will withdraw this amendment.

Mr. DIXON. Mr. Chairman, I have one additional speaker remaining.

Mr. GUNDERSON. Mr. Chairman, I am honored to yield the balance of my time to the Speaker of the House of Representatives, the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, let me say first of all I am a little disappointed at some of how the D.C. bill has evolved, because last year when we were in the minority and we were approached about helping at a point where it would have been impossible for the Democrats to get votes for the District of Columbia appropriations bill, a number of us did everything we could to be helpful and provided the margin of passage. We did it because we thought this was our National Capital, and we had an obligation to do it.

But I am even more disappointed in the consistent refusal of Members, who ought to know better, to deal directly with the problems of children in terrible schools. Now, this is an article from yesterday's Washington Post: "D.C. school in chaos, Teachers' Union says; reports of violence cause fear at Ballou; officials say principal is in control."

This is a quote:

Members of the Washington Teachers' Union complained yesterday that Ballou Senior High School, in Southeast Washington, is so out of control that some teachers and students have been staying home. "There have been robberies at the school, assaults, cherry bombs," union president Barbara Bullock said. "When we saw the chaos, we had to speak out. Teachers are afraid for themselves and the students." She said some teachers have called the union and said.

"They are stressed out. You can't teach with all that hell-raising going on outside in the hall." Patricia Laster, an English teacher, said there is "constant traffic in the halls, there is open smoking of marijuana. Some of the students can be absolutely incorrigible. There have been threats made on teachers. Because of scheduling mix-ups, she said, some students still do not have class assignments and simply roam the halls.

Now, I would say to my friends, how long are you going to abandon the children? How long is the next unionized bureaucrat going to matter more than the child? How long is the next political support from the local teachers' union or political support from the local bureaucrats going to matter more than the children?

Somebody said they were worried about children being left behind. I will make you an offer. If the Democratic Party or if any significant faction is prepared to make this scholarship program available for every child in the District of Columbia who is below the poverty level, I will work with you to find the funding in the next 30 days for every child in the District of Columbia who is below the poverty level. Do not tell me about the Republicans favor the rich. Do not tell me that class warfare baloney.

On this program, the gentleman from Wisconsin [Mr. GUNDERSON] worked with the local community to develop a program targeted to the poorest children in this city, the children that every one of you knows is being cheated today, today. The President knows they are being cheated. His daughter goes to a private school. The Vice President knows they are being cheated. His go to a private school.

We are trying to give the poorest people in this city the same opportunities of the President and the Vice President.

Mr. DIXON. Mr. Chairman, will the gentleman, the Speaker, yield?

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

Mr. DIXON. Mr. Chairman, as I understand this bill, there is \$42 million over 5 years dedicated to this, and there is to be an effort to raise private funds. Do you think that that is going to fund the children of the District?

Mr. GINGRICH. I just said, I will say to my good friend, I just said to you if you will support this, in the next 30 days I will work with you. We will put together full funding, full funding for every child below the poverty level. It is time that somewhere in America somebody had the guts to stand up and say that in the inner cities of this country, on the American Indian reservations of this country, and in some rural areas, in that order, we are cheating these children, and we are cheating them on behalf of teachers' unions, and we are cheating them on behalf of bureaucrats. We stand around and say we ought to do better.

We have an article on page 1 today that says 60 percent of the kids in this country who are seniors cannot do any

American history; they failed the history test for the most basic items. This country is in a crisis.

We had a Million Man March out here that said they are sick of the welfare state, they are sick of being cheated, they are sick of living in neighborhoods with fear of drug dealers.

We had an article in the Washington Post yesterday describing precisely the kind of school the gentleman from Wisconsin [Mr. GUNDERSON] is trying to save.

Now, you want to call my bluff? Then you support the Gunderson amendment and let us sit down and see who is prepared to help the poor children. Do not tell me when Democrats vote for the teachers' union, against the poorest children in this city, when Democrats vote for the bureaucrats against the poorest children in this city, do not tell me who is the party of the rich. We are prepared to help the poorest children. We will do what we can.

But no citizen should look at this Congress and watch somebody come in there and vote "no" on Gunderson and I think they care about the children. People who vote "no" on Gunderson are voting for the unions and the bureaucrats, no matter what the damage is to the kids.

The gentleman from Wisconsin [Mr. GUNDERSON] has done a heck of a job reaching out to everybody, and as the Washington Post said very clearly, there are a lot of groups who helped him until, in fact, there was strong opposition.

Where does the opposition come from? It comes from the bureaucrats who do not want to have to change. It comes from the tenured teachers who are incompetent, who do not want to be challenged.

Now, we should quit requiring the children of D.C. to go to violent schools, drug-ridden schools and schools that are dens of illiteracy and dens of ignorance, and we should give them a chance to have a scholarship and go to a decent place, and if the Black Caucus will vote with us, I will work with you to find the rest of the money.

But do not use some lame excuse about leaving kids behind. This is an important first step. It is a vital first step, and if you will call our bluff, we will get you the resource.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. If I have time, I will. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I thank the gentleman for yielding.

Will you pull this bill for 30 days, let us find that money, and then bring the bill back to the floor so we know for sure what you are saying is what you will do?

Mr. GINGRICH. If you will give me your word, if Mr. DIXON gives his word, we will not have to take 30 days. You two give us your word that you are going to vote "yes" on final passage when it comes back and you are going

to vote for the Gunderson amendment when it comes back. We bill find the money.

Mr. BRYANT of Texas. Before I give you my word, Mr. Speaker, how much money are you promising?

Mr. GINGRICH. Let us see how much it is going to take for children under poverty.

Mr. BRYANT of Texas. How much money do we need to do this?

Mr. GINGRICH. Let us see how much it is calculated.

Mr. BRYANT of Texas. If you do not know how much money is needed, Mr. Speaker, you cannot promise you are going to bring it back in 30 days and fix it and then ask us to vote for it on the basis of your promise, if you do not know how much money is needed.

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

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. WALSH. I think the city government would have a big problem if we held up this bill for another 30 days. They spend that Federal formula money the day that it arrives.

Mr. DIXON. If the gentleman will yield, as I listened to the Speaker here, it would be worth it to hold it up to fund all the kids in private schools in the District of Columbia. It certainly would be worth holding up the bill to do that.

Mr. GINGRICH. I did not say all the kids. I said children below the poverty line.

Mr. DIXON. That includes, Mr. Speaker, 92 percent of the kids in the school district here.

Mr. GUNDERSON. Mr. chairman, will the gentleman yield?

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

Mr. GUNDERSON. I was just going to point out that we are only talking about students who "are at 185 percent of the poverty level or less," who want to apply for some kind of a scholarship. Now, we are happy to do a survey, and before this bill comes back from conference, I think we are going to be able to have some understanding of exactly what the cost will be.

Mr. GINGRICH. If the Chair will indulge, let me say one last thing, because I have been generous in trying to yield. Let me say one last thing. The gentleman from Texas just implied if the scholarship money was available, every child in the D.C. schools would leave. If the gentleman truly believes these schools are so bad that every child in the D.C. schools would leave, then the gentleman ought to wonder why he is trapping them in a monopoly that is failing. If you will vote "yes," before we come back from conference we will find the money.

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

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

Mr. GOODLING. I want to point out I think games are being played again. You see, we are forgetting all about the

opportunity we have to get the private sector involved in fixing schools that need fixing in the worst way. We are talking about getting some seed money in there to make sure that the private sector can come and help with the scholarship program. But all we want to do is talk around the issue and forget about kids. That is the tragedy.

Mr. GINGRICH. I have run out of time. The Chair is being indulgent. Let me just say if you will vote "yes," we will do the survey. We will find out how many children want to leave. In fact, I hope the D.C. schools will cooperate. We will do the survey even if you vote "no." Your predicate is that every child will want to leave, so it will cost too much, so let us keep them trapped where they are being destroyed, because we do not have the nerve to face up to how many want to leave. We are prepared to serve the children. You vote "no" for the bureaucrats. We will vote "yes" for the children. Morally we should vote "yes."

Mr. BRYANT of Texas. Will you tell us how much money, Mr. Speaker, and we will consider whether to vote for it or not.

Mr. DIXON. Mr. Chairman, I think this is a very interesting dialog. I ask unanimous consent that we have 5 minutes to continue it.

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

Mr. GUNDERSON. Mr. Chairman, reserving the right to object, I did not hear the request.

Mr. DIXON. I asked unanimous consent to have 5 minutes to continue this dialog.

The CHAIRMAN. Is that per side, 5 minutes per side?

Mr. GUNDERSON. Is it 5 minutes for the Speaker? Is that what it is?

Mr. DIXON. I was asking. The Speaker can ask unanimous consent.

Mr. GINGRICH. For a dialog or for more speeches?

Mr. DIXON. Mr. Chairman, I ask unanimous consent that I have 5 minutes to speak out of order.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1345

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding me time.

Let us talk Turkey here. They are talking about what they want to do for the children of the District of Columbia. Let me say they have already denied Head Start to 690 children in the District with their budget cuts. They have already denied 2,500 District of

Columbia children Basic and Advanced Skills. They have eliminated Goals 2000, denying improved teaching and learning, to as many as 21,500 children in the District. They eliminated summer jobs for 2,029 in the District.

Now they are talking about improving the quality of education in the District by awarding 14 scholarships, 14 scholarships, to some 65,000 school children in the District of Columbia.

I say this is another farce they are trying to perpetrate on the public.

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

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

Mr. GUNDERSON. Mr. Chairman, I just want to indicate we increased Head Start in 5 years 180 percent. Guess how many youngsters got included? Thirty-nine percent. 180 percent increase in money, 39 percent increase in participation.

Mr. CLAY. Mr. Chairman, that argument is part of the farce. That is part of the farce.

Mr. DIXON. Mr. Chairman, I yield myself one minute.

Mr. Chairman, this is certainly a very interesting conversation. Once again, let me say to the gentleman from Wisconsin [Mr. GUNDERSON], he has done an excellent job, but there is major opposition to the bill and major concern about the bill. The bill has never had a hearing.

The chairman of the subcommittee talked about a hearing. I think the gentleman from Wisconsin [Mr. GUNDERSON] will concede he came to our committee, which is not the appropriate committee, took about 20 minutes, and gave us some generalization about what the gentleman intended to include in the bill.

But more importantly, the scholarship program, or voucher program, whatever it is called, could be applied to schools outside of this jurisdiction, and could be applied to religious schools.

But, more importantly, to address the Speaker's concern, my personal view is that we should improve the public schools in the District of Columbia. That is where the problem is. Because there are not enough resources in this country to voucher or give scholarships to all the needy children.

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

The CHAIRMAN. All time has expired on the side of the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. DIXON. Mr. Chairman, I believe I have 3 minutes to close.

The CHAIRMAN. There was no extension of time by unanimous consent.

Mr. DIXON. There was no objection to the unanimous-consent request.

The CHAIRMAN. The Chair advised the gentleman from California [Mr. DIXON], if the unanimous-consent request was to extend the time controlled by the gentleman, under the rule, the same extension would have to be given to the other side. The rule adopted by the House so constrains the committee.

Mr. DIXON. Could the Chairman tell me how much time I have left?

The CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that each side be allowed to proceed for 2 additional minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DIXON] still has the right to close.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I just cannot resist, because I think this is such a wonderful moment. Correct me, because the gentleman from Wisconsin has done this work and it is magnificent, but as I understand it, the gentleman has provided \$3,000.

Mr. GUNDERSON. If the gentleman will yield, the maximum is \$3,000.

Mr. GINGRICH. The maximum amount to be provided is \$3,000. So if the student in the case that has been hypothesized says, "Can I have \$3,000," we currently spend, I believe, \$9,000.

Mr. GUNDERSON. Between \$8,000 and \$9,000.

Mr. GINGRICH. So in fact the taxpayer will be saving \$5,000 for every child who decided to go over. So for every child who decided to go over, we could have two more scholarships for the next two children, because the current school system is spending between \$8,000 and \$9,000 on bureaucrats and people who are failing. Understand this, they are currently spending between \$8,000 and \$9,000.

We are suggesting a scholarship program for the poorest children in the worst schools, and it is almost self-funding. So I just think it is ironic, it is fascinating, that in the last possible defense of the worst possible system with the least possible excuse, we are now being given rigmarole.

We will find the money. The gentleman from Florida [Mr. YOUNG], on the Committee on Appropriations, said we will find the money. So do not suggest to us this is about money. This is about whether you are for the unionized bureaucracy and the teachers that are failing and the schools that are dangerous, or whether you are for the poorest children in D.C., in the poorest neighborhoods, in the worst schools, having the same opportunity as the Gore family, the same opportunity as the President's family, and, by the way, in a city where only 28 percent of the teachers send their children to public schools, because the teachers know better, and they will not send their children to public school. We are giving the poorest children the same opportunity for less cost to the taxpayer. I think there is no excuse for voting "no."

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the distinguished gentle-

woman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in praise of the gentleman from Wisconsin, STEVE GUNDERSON, as a human being, as a colleague, and as a Member. The gentleman is rare. I rise in praise of the gentleman from Pennsylvania [Mr. GOODLING] as well. These Members have worked so beneficially and fruitfully with me and many in my district.

I rise in gratitude to the Speaker, who has appointed a task force, which has diligently worked with us on a home rule basis.

If Members had conducted themselves as the gentleman from Wisconsin [Mr. GUNDERSON] has during what I have come to call the Gunderson round, this would not be a polarized Congress. The gentleman has been an example of problem solving that the entire Congress needs to emulate.

The gentleman has tried desperately for a win-win situation, and has virtually made it. The gentleman has respected local democracy in the District of Columbia. The gentleman has spent countless hours, not only with District officials, but with individual residents whose name no one will ever know.

In the very beginning, when the Speaker's task force was appointed and the notion of vouchers, call them vouchers, call them scholarships, got in the press, the residents of the District of Columbia, I can tell you, were up in arms, and they called and they screamed, and they wanted to know more about vouchers than they wanted to know about the financial authority being imposed on them. I think that is because there has been a referendum in the District of Columbia, and in that referendum, a program of the kind that is a small part of the bill of the gentleman from Wisconsin [Mr. GUNDERSON] was voted down overwhelmingly.

I ask Members of the other side what you would do if there had been a referendum in your district and people voted this down, not because of money, but because overwhelmingly my constituents believe it is the District public schools that must be improved.

So in the end we agreed to a compromise that was a private scholarship fund for private schools, and anybody could apply. For us, the compromise was that we knew some of our students who were best and most conscientious would leave, but that was the compromise.

It was in Mr. Gunderson's own Republican conference where there was an insistence that there not be only private scholarship funds, which all of us would try to raise money for, but Federal funds as well.

Mr. Chairman, this is not an ordinary issue. Each side feels itself bound by principle. This has been for me a principle. That is why I have looked for a

compromise all during this time. This is a collision of principles, and pejorative comments on either side do not truly respect the principles that are at stake here. And on top of the principles involved in private funding, we have religious schools.

The good news is I have been meeting on a daily basis and will continue to meet on a daily basis. The Gundersen proposal is too important to throw away. I refuse to give up on this bill. I regret it has for many of us, as in a Greek tragedy, a fatal flaw.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

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

RECORDED VOTE

Mr. DIXON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered “present” 1, not voting 14, as follows:

[Roll No. 763]

AYES—241

| | | |
|--------------|---------------|--------------|
| Allard | Doolittle | Hyde |
| Archer | Dornan | Inglis |
| Army | Dreier | Istook |
| Bachus | Duncan | Jacobs |
| Baker (CA) | Dunn | Johnson (CT) |
| Baker (LA) | Ehlers | Johnson, Sam |
| Ballenger | Ehrlich | Jones |
| Barr | Emerson | Kasich |
| Barrett (NE) | English | Kelly |
| Bartlett | Ensign | Kim |
| Barton | Everett | King |
| Bass | Ewing | Kingston |
| Bereuter | Fawell | Klug |
| Bilbray | Fields (TX) | Knollenberg |
| Bilirakis | Flanagan | Kolbe |
| Bliley | Foley | LaHood |
| Blute | Forbes | Largent |
| Boehlert | Fowler | Latham |
| Boehner | Fox | LaTourette |
| Bonilla | Franks (CT) | Laughlin |
| Bono | Franks (NJ) | Lazio |
| Browder | Frelinghuysen | Leach |
| Brownback | Frisa | Lewis (CA) |
| Bryant (TN) | Funderburk | Lewis (KY) |
| Bunn | Galleghy | Lightfoot |
| Bunning | Ganske | Linder |
| Burr | Gekas | Lipinski |
| Burton | Gilchrist | Livingston |
| Buyer | Gillmor | LoBiondo |
| Callahan | Gilman | Longley |
| Calvert | Gingrich | Lucas |
| Camp | Goodlatte | Manzullo |
| Canady | Goodling | Martini |
| Castle | Goss | McCollum |
| Chabot | Graham | McCrery |
| Chambliss | Greenwood | McDade |
| Chenoweth | Gundersen | McHugh |
| Christensen | Gutknecht | McInnis |
| Chrysler | Hall (TX) | McIntosh |
| Clinger | Hancock | McKeon |
| Coble | Hansen | Meehan |
| Coburn | Hastert | Metcalfe |
| Collins (GA) | Hastings (WA) | Mica |
| Combest | Hayes | Miller (FL) |
| Cooley | Hayworth | Molinari |
| Cox | Hefley | Montgomery |
| Cramer | Heineman | Moorhead |
| Crane | Herger | Moran |
| Crapo | Hilleary | Morella |
| Cremeans | Hobson | Myers |
| Cubin | Hoekstra | Myrick |
| Cunningham | Hoke | Nethercutt |
| Davis | Horn | Neumann |
| Deal | Hostettler | Ney |
| DeLay | Houghton | Norwood |
| Diaz-Balart | Hunter | Nussle |
| Dickey | Hutchinson | Oxley |

| | | |
|--------------|---------------|-------------|
| Packard | Schaefer | Taylor (NC) |
| Parker | Schiff | Thomas |
| Paxon | Seastrand | Thornberry |
| Petri | Sensenbrenner | Tiahrt |
| Pombo | Shadegg | Torkildsen |
| Porter | Shaw | Upton |
| Portman | Shays | Vucanovich |
| Pryce | Shuster | Waldholtz |
| Quillen | Skeen | Walker |
| Quinn | Smith (MI) | Walsh |
| Radanovich | Smith (NJ) | Wamp |
| Ramstad | Smith (TX) | Watts (OK) |
| Regula | Smith (WA) | Weldon (FL) |
| Riggs | Solomon | Weller |
| Roberts | Souder | White |
| Rogers | Spence | Whitfield |
| Rohrabacher | Stearns | Wicker |
| Ros-Lehtinen | Stenholm | Wolf |
| Roth | Stockman | Young (AK) |
| Royce | Stump | Young (FL) |
| Salmon | Talent | Zeliff |
| Sanford | Tate | Zimmer |
| Saxton | Tauzin | |
| Scarborough | Taylor (MS) | |

NOES—177

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gibbons | Orton |
| Ackerman | Gonzalez | Owens |
| Andrews | Gordon | Pallone |
| Baelsler | Green | Pastor |
| Baldacci | Gutierrez | Payne (NJ) |
| Barcia | Hall (OH) | Payne (VA) |
| Barrett (WI) | Hamilton | Peterson (FL) |
| Bateman | Harman | Peterson (MN) |
| Becerra | Hastings (FL) | Pickett |
| Beilenson | Hefner | Pomeroy |
| Bentsen | Hilliard | Poshard |
| Bevill | Hinchey | Rahall |
| Bishop | Holden | Reed |
| Bonior | Hoyer | Richardson |
| Borski | Jackson-Lee | Rivers |
| Brewster | Jefferson | Roemer |
| Brown (CA) | Johnson (SD) | Rose |
| Brown (FL) | Johnson, E. B. | Roukema |
| Brown (OH) | Johnston | Roybal-Allard |
| Bryant (TX) | Kanjorski | Rush |
| Cardin | Kaptur | Sabo |
| Clay | Kennedy (MA) | Sanders |
| Clayton | Kennedy (RI) | Sawyer |
| Clement | Kennelly | Schroeder |
| Clyburn | Kildee | Schumer |
| Coleman | Klecza | Scott |
| Collins (IL) | Klink | Serrano |
| Collins (MI) | LaFalce | Sisisky |
| Condit | Lantos | Skaggs |
| Costello | Levin | Skelton |
| Coyne | Lewis (GA) | Slaughter |
| Danner | Lincoln | Spratt |
| DeFazio | Lofgren | Stark |
| DeLauro | Lowe | Studds |
| Dellums | Luther | Stupak |
| Deutsch | Maloney | Tanner |
| Dicks | Manton | Tejeda |
| Dingell | Markey | Thompson |
| Dixon | Martinez | Thornton |
| Doggett | Mascara | Thurman |
| Dooley | Matsui | Torres |
| Doyle | McCarthy | Torricelli |
| Durbin | McDermott | Towns |
| Edwards | McHale | Traficant |
| Engel | McKinney | Velazquez |
| Eshoo | McNulty | Vento |
| Evans | Meek | Visclosky |
| Farr | Menendez | Volkmer |
| Fattah | Meyers | Ward |
| Fazio | Mfume | Waters |
| Filner | Minge | Watt (NC) |
| Flake | Mink | Waxman |
| Foglietta | Mollohan | Williams |
| Ford | Murtha | Wilson |
| Frank (MA) | Nadler | Wise |
| Frost | Neal | Woolsey |
| Furse | Oberstar | Wyden |
| Gejdenson | Olver | Wynn |
| Geran | Ortiz | Yates |

ANSWERED “PRESENT”—1

NOT VOTING—14

| | | |
|-------------|-------------|-------------|
| Berman | Fields (LA) | Rangel |
| Boucher | Gephardt | Stokes |
| Chapman | Miller (CA) | Tucker |
| Conyers | Moakley | Weldon (PA) |
| de la Garza | Pelosi | |

□ 1415

The Clerk announced the following pair: on this vote:

Weldon of Pennsylvania for, with Mr. Conyers against.

Messrs. ORTIZ, BATEMAN, SKELTON, and STUPAK changed their vote from “aye” to “no”.

Mr. CRANE changed his vote from “no” to “aye”.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1415

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

Mr. Chairman, the bill before us puts this Member in an untenable position. The bill has gone through needless water torture. There are amendments that openly invite confrontation and a possible veto—that can only be solved in conference. There are cuts so large that it will bring the District crashing down around this body one day while it is in session if no accommodation is reached in conference.

Yet, Mr. Chairman, I cannot honestly stand here and say to my side that more of what the District wants it will get if this bill goes down in final passage.

Mr. Chairman, to the other side I say, they cannot get anything more because they have gotten virtually everything they want, including a devastating cut, the most severe antichoice provision in the United States ever enacted in a bill, and now an appropriation in a bill, and much more.

Mr. Chairman, neither side has anything more to gain by stopping this bill and putting the District of Columbia at risk. We have heard much about the D.C. government during this debate. It has been castigated as if the District were not reflective of the problems of urban America. It has been castigated as if Congress itself had not put a financial authority in place which has not had time yet to begin the vital and indispensable work of reform.

We have heard nothing about what the District has done, that the gentleman from New York [Mr. WALSH], the chairman of the subcommittee, could and should have taken some credit for. I was forced to get on the floor with that record: the establishment of a financial authority; twice as many positions saved as the Congress required; a torturous cap that has brought services to barely breathing.

Mr. Chairman, this morning’s paper talks about an example of what the District has done all on its own. “This fall, the University of the District of Columbia collapsed five colleges into two and 60 departments into 18.”

A study, Apple Seed Center, a group of conservative lawyers, has put out a report indicating that the Federal payment should not be \$600 million, but over \$1 billion.

Most of all, if I could continue to have my colleagues’ attention, in my

city \$2 out of \$3 are earned by non-residents. Leave aside the notion of a commuter tax, we do not have any State that could recycle some of that money back the way they do in Syracuse and Philadelphia and elsewhere.

Most of all, my colleagues have not heard about the innocent bystanders. When people come before this Congress, they talk about the D.C. government. They do not talk about the people I represent.

Mr. Chairman, the Washington Times a few days ago wrote an article about the people I represent. I want to leave Members with what it said so that they will know that what I have said about the cut must be rectified.

"Deteriorating Services Drive Out Middle-class." Mr. Chairman, let me just read a little bit of what they say.

"I am giving up," said Gail Barnes, a 14-year District resident and advisory neighborhood commissioner in Ward 4. "I don't want any more potholes beneath my knees, street lights that are out, trees that are untrimmed."

Mr. Chairman, another part, "The latest essential service to blink out is repair of street lights and traffic signals. The District owes Potomac Electric Power Co. about \$20 million for light repair and citywide electric bills * * * Since its contract with PEPCO ran out September 25, the city has tried to handle repairs itself, but the Department of Public Works has been unable to keep up with the demand."

Mr. Chairman, I appreciate that the Speaker has called PEPCO to say, "Hold on. Somehow the money will get to you," but if that is not a case study in desperation for this city, I do not know what is.

"Hundreds of police officers," the article says, "have left the department in recent months. Arrests have plummeted as overall crime has risen 11 percent compared to the first nine months of last year."

We are told that, " * * * the police lack paper to copy reports, new tires and parts for cruisers and scout cars." We are told that, " * * * during the summer, five of the city's 53 fire companies were closed each day in order to cut costs, and during the past week, six of the city's 16 ladder companies were out of service because of mechanical problems."

Mr. Chairman, any Members who think this city is not in a state of crisis should read their own Washington Times.

Mr. Chairman, I appreciate what Members have gone through having to suffer through a bill that is not their own and has nothing to do with them. This bill puts the District in an untenable financial position. It will not be improved if we vote it down.

Mr. WALSH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I beg the indulgence of my colleagues just for a moment. This has been my first opportunity to chair a Subcommittee on Appropriations and bring a bill to the floor. It has been an amazing journey.

Mr. Chairman, let me just briefly explain what we have done. We pay the District of Columbia \$660 million in lieu of taxes for property occupied by the Federal Government in the District. Basically, we are paying rent. We also give them \$52 million for the pension programs for police, firefighters, teachers, and judges.

Mr. Chairman, \$712 million, that is what this bill is really all about. This year is the first time that the funds will go to the control board, directly to them. They will then allocate those funds, and they will make the cuts in agency and program budgets.

What are the cuts? We are about \$85 million under last year's funding level. For some, that is not enough; for others, it is too much.

We have also asked the control board to look at a number of items like rent control, privatization, and the District's health care system. We did that to preserve home rule to let the District make their own decisions.

Mr. Chairman, what are the other issues, the ones that take up all the debate? Abortion. For those on the right, this bill has the toughest language ever on a District of Columbia appropriations bill. On the left, the NEA amendment was defeated. There should be something in there to make every Member in this room happy.

Mr. Chairman, I ask for bipartisan support. I ask my colleagues to set their one issue aside, if they would. We have work to do. We complain about our constituents having one issue. They are with us 95 percent of the time. We go off the ranch for 5 minutes, and they are angry and upset with us. We are doing the same thing here. I ask my colleagues to set their one issue aside. Help us to pass this bill.

Mr. Chairman, a reporter did a profile of me recently. He accused me of being dull and humorless. I said to him, "If you had spent 250 out of the last 300 days working on trying to solve the District of Columbia's problems, you would be suicidal, let alone dour."

Mr. Chairman, the District is a mess. We all know it. No Member has been tougher on the District of Columbia than I have, but there is progress. The CFO is starting to assert himself. He is starting to take over the finances of the District. The District is responding to pressure.

We have a responsibility. We have talked a lot about our rights, but we have a responsibility to pay our rent to this city. We are not talking about the national debt. That comes next week.

Mr. Chairman, let me just finish with a story. I had the opportunity not to long ago to attend a prayer breakfast where Chuck Colson spoke. Those Members who are old enough to remember Watergate will remember Chuck Colson. He went to jail for what he did in Watergate, and now he runs a jail ministry, and he does a wonderful job with people.

Mr. Chairman, he talked about a statement that he made when he was

in Washington. He said, "I would go over my mother's back to pass a bill, a certain bill." For him, winning was everything, and sometimes it is for us now.

Do my colleagues know what that bill was? It was postal reform. Now, I do not know if that gets my colleagues' juices flowing, but it does not get mine.

Mr. Chairman, the point here is that we have got to set our differences aside and do our job. This is an appropriations bill. We have to pass it sooner or later, and I would strongly request that my colleague, the gentleman from California [Mr. DIXON], reach across the aisle, as I did last year, and help us to pass this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to the Gunderson amendment which establishes a publicly funded education voucher program within the District of Columbia.

I do not wish to deny the District of much needed Federal assistance for their school system, but this amendment should be defeated because it is unconstitutional, it has broad implications regarding Federal education policy, and it goes against the wishes of the District population.

This amendment will establish a program in which Federal dollars can be used for direct support to private and religious institutions, with no accountability for the use of those dollars. This is clearly unconstitutional. Time and time again the U.S. Supreme Court has held that public funds cannot be used to pay, either directly or indirectly, for religious education or the religious mission of parochial schools. Yet under the Gunderson amendment religious schools can receive direct payment from the Federal Government for tuition costs.

Mr. Chairman, establishing a voucher program will no doubt benefit a few students whose parents have the drive and ambition to stake out better opportunities for their children. But it does nothing for the many students who are not accepted to the school of their choice or cannot participate because there is not enough money.

The concept of a public education system is based on a belief that everyone should have access to basic level of quality education for all students. Unfortunately, many of our public schools are not providing that level of education. But instead of improving that quality of education for all children through our public system, the private school voucher solution benefits the few at the expense of the many.

I fear that this amendment signifies the approach the Republican majority intends to take for Federal educational assistance to throughout the country. It is the wrong way to go. And with our precious Federal education dollars shrinking rapidly the effects will be even more devastating.

Mr. Chairman, this amendment also goes against the will of the people of the District of Columbia. In an overwhelming referendum in 1981 the District population opposed a voucher program and again this year, the District of Columbia School Board reaffirmed this decision. While the Republican majority continues its rhetoric about local control and giving power back to communities and localities, when it comes to the District of Columbia they impose a program which the public does not support.

I urge my colleagues to vote against the Gunderson amendment.

Mr. **TORKILDSEN**. Mr. Chairman, the horror of Halloween took on new meaning Wednesday when I learned that one of my constituents, Gloucester City Councilor Valerie Nelson, was hit by a car while visiting the District. This accident was not due to her or the driver's negligence. It was due to the fact that the District had not paid its power bill. The crosswalk lights at 14th and Independence were not functioning, along with hundreds of other lights throughout the city.

The District not paying its bills is the height of irresponsibility, and epitomizes the type of mismanagement that has brought the District to its own present state of disrepair. Living and visiting the Nation's Capital should be a safe and special experience. While the city cannot insure all people against tragedy, paying the bills to maintain basic public safety is just that—basic.

What started out as a great family experience turned into a nightmare for Mrs. Nelson. She was walking in the crosswalk with her 12-year-old daughter on the way to visit the Smithsonian. Her young daughter watched in horror as her mother was sent flying onto the hood of a car and then rushed to the hospital with a crushed pelvis. It is reprehensible that this family is suffering because of the incompetent District government. While this is one family in my district, we all know thousands of families who visit our Nation's Capital every year. All of our constituents—and District residents—are at risk.

It is ironic that Americans travelling to our Nation's Capital to view the Government at work are imperiled because the functions of the local government aren't functioning. I call on the District to prioritize their spending. Bills related to public safety must be paid first—before the school board salaries, even before the Mayor's salary. There is absolutely no excuse for not paying bills that facilitate the health and well-being of citizens and tourists. What other important bills are not being paid? How many people have to be injured—perhaps killed—before the District will govern this city?

Congress and the tax-paying residents of the District deserve to know the answers.

Mr. **CLAY**. Mr. Chairman, my amendment is very simple. It prohibits the use of Federal tax dollars to subsidize vouchers for private and religious school education. While many aspects of the Gunderson amendment propose improvements in public school education in the District of Columbia, the voucher proposal will harm the District's public schools.

My amendment does not speak to how the District of Columbia can use its own funds. It is limited strictly to the use of Federal tax dollars.

The private school vouchers in the Gunderson amendment would allow Federal tax dollars to be funneled into private and religious institutions. The U.S. Supreme Court has consistently struck down programs that constitute public subsidies of religious institutions, so the Gunderson provision is probably unconstitutional.

Mr. Chairman, we should not permit Federal tax dollars to be used to support private schools that are under no accountability to the Federal Government for the type and quality of education they provide. These schools would receive Federal taxes even though they might discriminate against students, including

the disabled, or would cherry pick from among only the best and brightest DC school children.

I urge my colleagues to support my amendment.

The **CHAIRMAN**. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The **CHAIRMAN**. Are there further amendments?

If not, under the rule, the Committee rises.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. **GUTKNECHT**) having assumed the chair, Mr. **HASTINGS** of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 191, not voting 18, as follows:

[Roll No. 764]

YEAS—224

| | | |
|--------------|--------------|-------------|
| Archer | Browder | Crane |
| Armey | Brownback | Crapo |
| Bachus | Bryant (TN) | Creameans |
| Baessler | Bunn | Cubin |
| Baker (CA) | Bunning | Davis |
| Baker (LA) | Burr | Deal |
| Ballenger | Burton | DeLay |
| Barcia | Buyer | Diaz-Balart |
| Barr | Callahan | Dickey |
| Barrett (NE) | Calvert | Doolittle |
| Bartlett | Camp | Dornan |
| Barton | Canady | Dreier |
| Bass | Chabot | Dunn |
| Bateman | Chambliss | Edwards |
| Bereuter | Chapman | Ehlers |
| Bilbray | Christensen | Ehrlich |
| Bilirakis | Clement | Emerson |
| Bilely | Clinger | English |
| Blute | Coburn | Ensign |
| Boehlert | Collins (GA) | Everett |
| Boehner | Combest | Ewing |
| Bonilla | Cooley | Fawell |
| Bono | Cox | Fields (TX) |
| Brewster | Cramer | Flanagan |

| | | |
|---------------|--------------|-------------|
| Forbes | LaTourette | Roth |
| Fox | Laughlin | Royce |
| Franks (CT) | Leach | Salmon |
| Franks (NJ) | Lewis (CA) | Sanford |
| Frisa | Lewis (KY) | Saxton |
| Funderburk | Lightfoot | Scarborough |
| Galleghy | Lincoln | Schaefer |
| Ganske | Linder | Schiff |
| Gekas | Lipinski | Seastrand |
| Geren | Livingston | Shadegg |
| Gillmor | LoBiondo | Shaw |
| Gingrich | Longley | Shays |
| Goodlatte | Lucas | Shuster |
| Goodling | Manton | Skeen |
| Gordon | Manzullo | Skelton |
| Graham | McCollum | Smith (MI) |
| Green | McCrery | Smith (NJ) |
| Greenwood | McDade | Smith (TX) |
| Gunderson | McInnis | Smith (WA) |
| Gutknecht | McIntosh | Solomon |
| Hall (OH) | McKeon | Souder |
| Hall (TX) | McNulty | Spence |
| Hamilton | Metcalf | Spatt |
| Hastert | Mica | Stearns |
| Hastings (WA) | Miller (FL) | Stenholm |
| Hayes | Mollohan | Stupak |
| Hayworth | Montgomery | Talent |
| Hefley | Moorhead | Tanner |
| Heineman | Moran | Tate |
| Herger | Morella | Tauzin |
| Hilleary | Myers | Taylor (NC) |
| Hoekstra | Myrick | Thomas |
| Hoke | Nethercutt | Thornberry |
| Hostettler | Neumann | Visclosky |
| Houghton | Ney | Vucanovich |
| Hunter | Norwood | Waldholtz |
| Hutchinson | Nussle | Walker |
| Hyde | Oxley | Walsh |
| Inglis | Packard | Wamp |
| Istook | Parker | Watts (OK) |
| Jacobs | Paxon | Weldon (FL) |
| Johnson, Sam | Pombo | Weller |
| Jones | Porter | White |
| Kasich | Portman | Whitfield |
| Kim | Pryce | Wicker |
| King | Radanovich | Wilson |
| Kingston | Regula | Wolf |
| Knollenberg | Roberts | Young (AK) |
| LaHood | Rogers | Young (FL) |
| Largent | Rohrabacher | Zeliff |
| Latham | Ros-Lehtinen | |

NAYS—191

| | | |
|--------------|----------------|---------------|
| Abercrombie | Eshoo | Klecicka |
| Ackerman | Evans | Klink |
| Allard | Farr | Klug |
| Andrews | Fattah | Kolbe |
| Baldacci | Fazio | LaFalce |
| Barrett (WI) | Filner | Lantos |
| Becerra | Flake | Lazio |
| Beilenson | Foglietta | Levin |
| Bentsen | Foley | Lewis (GA) |
| Bevill | Ford | Lofgren |
| Bishop | Fowler | Lowe |
| Bonior | Frank (MA) | Luther |
| Borski | Frelinghuysen | Maloney |
| Brown (CA) | Frost | Markey |
| Brown (FL) | Furse | Martinez |
| Brown (OH) | Gejdenson | Martini |
| Bryant (TX) | Gibbons | Mascara |
| Cardin | Gilchrest | Matsui |
| Castle | Gilman | McCarthy |
| Chenoweth | Gonzalez | McDermott |
| Chrysler | Goss | McHale |
| Clay | Gutierrez | McKinney |
| Clayton | Hancock | Meehan |
| Clyburn | Hansen | Meek |
| Coble | Harman | Menendez |
| Coleman | Hastings (FL) | Meyers |
| Collins (IL) | Hefner | Mfume |
| Collins (MI) | Hilliard | Minge |
| Condit | Hinchev | Mink |
| Costello | Hobson | Molinari |
| Coyne | Holden | Murtha |
| Cunningham | Horn | Neal |
| Danner | Hoyer | Oberstar |
| DeFazio | Jackson-Lee | Obey |
| DeLauro | Jefferson | Olver |
| Dellums | Johnson (CT) | Ortiz |
| Deutsch | Johnson (SD) | Orton |
| Dicks | Johnson, E. B. | Owens |
| Dingell | Johnston | Pallone |
| Dixon | Kanjorski | Pastor |
| Doggett | Kaptur | Payne (NJ) |
| Dooley | Kelly | Payne (VA) |
| Doyle | Kennedy (MA) | Peterson (FL) |
| Duncan | Kennedy (RI) | Peterson (MN) |
| Durbin | Kennelly | Petri |
| Engel | Kildee | Pickett |

| | | |
|---------------|---------------|-----------|
| Pomeroy | Sensenbrenner | Towns |
| Poshard | Serrano | Traficant |
| Rahall | Sisisky | Upton |
| Ramstad | Skaggs | Velazquez |
| Reed | Slaughter | Vento |
| Richardson | Stark | Volkmer |
| Rivers | Stockman | Ward |
| Roemer | Studds | Waters |
| Rose | Stump | Watt (NC) |
| Roukema | Taylor (MS) | Waxman |
| Roybal-Allard | Tejeda | Williams |
| Rush | Thompson | Wise |
| Sabo | Thornton | Woolsey |
| Sanders | Thurman | Wyden |
| Sawyer | Tiahrt | Wynn |
| Schroeder | Torkildsen | Yates |
| Schumer | Torres | Zimmer |
| Scott | Torricelli | |

NOT VOTING—18

| | | |
|-------------|-------------|-------------|
| Berman | McHugh | Quinn |
| Boucher | Miller (CA) | Rangel |
| Conyers | Moakley | Riggs |
| de la Garza | Nadler | Stokes |
| Fields (LA) | Pelosi | Tucker |
| Gephardt | Quillen | Weldon (PA) |

□ 1449

Mr. PALLONE and Mr. LUTHER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 764, I was unavoidably detained by a conflicting meeting and inadvertently missed the vote. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute for the purpose of engaging with the distinguished majority leader to find out what the schedule will be like for tonight and for next week.

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

Mr. BONIOR. I yield to the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, we just had the last vote of the day and of the week. The House will not be in session tomorrow.

Mr. Speaker, the House will meet in pro forma session on Monday, November 6. There will be no votes on Monday.

On Tuesday, November 7, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider the following 12 bills under suspension of the rules:

H.J. Res. 69, reappointing Homer Alfred Neal to the Smithsonian Board of Regents;

H.J. Res. 110, appointing Howard H. Baker, Jr., to the Smithsonian Board of Regents;

H.J. Res. 111, appointing Anne D'Harnoncourt to the Smithsonian Board of Regents;

H.J. Res. 112, appointing Louis Gerstner to the Smithsonian Board of Regents;

H.R. 2527, permitting electronic filing and preservation of Federal Election Commission reports;

H.R. 238, providing for the protection of free-roaming horses in the Ozark National Scenic Riverways;

H.R. 207, the Cleveland National Forest Land Exchange Act of 1995;

H.R. 2437, providing for the exchange of certain lands in Gilpin County, Colorado;

H.R. 1838, providing for the exchange of lands with the Water Conservancy District of Washington County, Utah;

H.R. 1585, the Modoc National Forest Boundary Adjustment Act;

H.R. 1581, land conveyance, city of Sumpter, Oregon; and

H.R. 1163, land exchange at Fire Island National Seashore.

After consideration of the suspensions, the House will take up the conference report for H.R. 1977, the Department of Interior Appropriations Act for fiscal year 1996.

It should be noted, Mr. Speaker, that any recorded votes ordered will be postponed until 6 p.m. on Tuesday, November 7.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. We plan to consider the conference reports for S. 395, the Alaska Power Administration Sale Act, and H.R. 1058, the Securities Litigation Reform Act, both of which are subject to a rule.

The House will also take up a continuing resolution for the 1996 fiscal year, which is subject to a rule.

Of course Members should be advised that additional conference reports may be brought up to the floor at any time.

Mr. Speaker, we expect to conclude legislative business for the week by around 6 p.m. on Thursday, November 9. There will be no legislative business on Friday, November 10, in observance of Veterans Day.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I have one or two inquiries to my friend from Texas.

There is, as the gentleman has stated, a very important conference report on the Interior bill that you have scheduled for Tuesday evening, and, given the lightness of the schedule on Wednesday, would it not be possible to

move that bill to Wednesday and do it in the light of day instead of late in the evening on Tuesday?

Mr. ARMEY. I thank the gentleman for making that request, but we have already very carefully developed the schedule for the purpose of having Members in attendance on Tuesday night, and there will be no change.

Mr. BONIOR. What is the status of the product liability bill; may I ask my friend from Texas?

Mr. ARMEY. If the gentleman will yield, we expect perhaps the motion to go to conference sometime next week.

Mr. BONIOR. Sometime next week.

And I note there was also another continuing resolution that the gentleman from Texas mentioned in his remarks, which means that I guess we expect that we will not meet the second deadline for finishing the appropriation bills, and so my question, I guess, to my friend from Texas would be:

When do you expect us to do that and can you give us a sense of how long the extension will be?

Mr. ARMEY. We expect to do the CR on Wednesday, and of course we expect to continue working on the appropriations.

Mr. BONIOR. Have you picked a date yet?

Mr. ARMEY. I respond to the gentleman by saying as soon as possible we will be bringing them back from conference.

Mr. BONIOR. But my question was to how long the extension might be, the CR, through what date.

Mr. ARMEY. The exact details of the time frame for the CR are still in the discussion stage. We will not have that determined until perhaps sometime tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my friend for his observations and comments.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MINORITY SIDE

Mr. BONIOR. Mr. Speaker, I, on behalf of the Democrat leaders, am pleased to announce that the official objectors for the private calendar for the minority side for the 104th Congress are as follows: Mr. BOUCHER of Virginia, Mr. MFUME of Maryland, and Ms. DELAURO of Connecticut.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MAJORITY SIDE

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the official objectors for the private calendar on the majority side for the 104th Congress are as follows: Messrs. SENSENBRENNER of Wisconsin, COBLE of North Carolina, and GOODLATTE of Virginia.

ADJOURNMENT TO MONDAY,
NOVEMBER 6, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY,
NOVEMBER 7, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 6, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, November 7, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE DEMOCRATS: AFRAID THE
PARTY IS OVER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, earlier this morning I was amused by what I heard from many of the Mem-

bers on the Democratic side coming up and talking about how off base the new Republican majority was in planning to balance the budget and cut taxes. We heard one Member come up and say it was going to be the end of the Republican party; that they were going to pay, because they were absolutely outraged at these tax cuts that we were forcing on the American people.

Another Member came up and said that he was proud of what they did in 1993, that they helped bring down the debt, and that the Republicans were being mean-spirited because these tax cuts would hurt senior citizens, these tax cuts would hurt middle-class Americans, these tax cuts would hurt everybody: dogs, cats, you name it. The Democrats think if you cut taxes, it is going to hurt all of America.

The facts are these: Americans are taxed more today than they have ever been. Those Members that came up, proud of what they did in 1993 and not liking what we are doing today, forgot to mention one thing. In 1993, the Democratic Party, without the help of one Republican vote, passed the largest tax increase in the history of America. What did that tax increase do to those senior citizens who they now claim to want to protect? It raised taxes on senior citizens. In fact, it stole money from senior citizens and their Social Security funds by raising the tax rate to 85 percent.

If that was not enough, if their assault on Social Security was not enough in the 1993 tax increase, they decided to make sure that seniors would be punished for being productive. So what did they do? They lowered the earnings level from \$34,000 to \$14,000. Heaven forbid that our senior citizens dare to make a positive impact on our economy after they retire and get on Social Security.

I tell you, they talk about wanting to help the working class, and then they criticize tax breaks that are going to help the working class. Somehow they have not gotten past the old, worn-out 1960's radical notion that you can love jobs and you can love job creation, but you have to hate the person that creates the jobs. It makes absolutely no sense.

I guess all these Democrats coming out and kicking and screaming, saying no, please, please, save the American people from tax cuts; explain why on the cover of U.S. News and World Report this week there is a story that says "The Democrats: Is the Party Over? They know they are in trouble, and it is even worse than they think."

I would suggest that one of the reasons that the party is over for the liberal Democratic Party in America is because they have consistently been enemies of working-class Americans. They have consistently voted for higher and higher taxes. Any Democrat you hear speaking today on the budget most likely voted in 1993 for the largest tax increase in the history of America.

Despite what they say about wanting to protect senior citizens' wages and

wanting to protect Medicare and wanting to protect Social Security, facts are a hard thing to shake. The fact is, it was the Democratic Party that voted to raise taxes on senior citizens and on Social Security recipients. How they can come up 2 years later with a short memory and criticize the Republican Party in the most just absolutely extreme terms imaginable is beyond me. They call us Nazis because we want to preserve and protect Medicare.

My gosh, the spokesman for the President of the United States said we wanted Medicare to die and probably wanted senior citizens to die, also. This is not the talk of a rational party, this is the talk of people who know that the curtain is coming down on 40 years of the most radical governing concepts that have ever invaded Washington, DC. We are moving beyond that, we are daring to make a difference, we are daring to empower American taxpayers and the middle class again. That is what we do. Hopefully the Democrats will come on board.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

[Mr. LONGLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CONTINUATION OF REPORT INTO
TAXPAYER SUBSIDIZED LOBBY-
ING IN WASHINGTON, DC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I wanted to continue our report on the Subcommittee on Regulatory Relief's investigation into taxpayer-subsidized lobbying that goes on here in Washington. Most recently, our subcommittee has uncovered a group known as the National Council of Senior Citizens that receives 95 percent of its funding, or \$73 million, from the taxpayer each year.

The NCSC, as it is known, is organized as a nonprofit 501(c)4 corporation. It gets its grant money mainly to operate programs that are to benefit senior

citizens, including the senior community employment program, and the chairman of the subcommittee who has oversight over that program, the gentleman from California, Mr. DUKE CUNNINGHAM, this morning announced that the GAO had done an investigation into the NCSC and various groups who administer those programs and found that they had been misdirecting much of the taxpayer money to pay for their Washington operations, and that this misuse of the taxpayer funds was leading the gentleman from California to say that we need to fundamentally redo this program.

Part of what happens with the NCSC is that they have set up a Political Action Committee. That Political Action Committee, or PAC, spent \$400,000 in the last 4 years giving contributions to candidates who were running for President, for Senate, and the House of Representatives. Remember, this is the group that receives 95 percent of its money from the Federal Government. They have set up a Political Action Committee. It is virtually an extension of the Federal Government.

If you think about it, would we want to have the IRS setting up a Political Action Committee, or the Treasury Department setting up a Political Action Committee, or maybe OSHA setting up a Political Action Committee? I do not think so. The taxpayer would not put up with that. That is virtually what is happening with this group here.

Even more disturbing to me was the notion of how they raised their funds from the private sector. In our investigation we discovered that in one of their housing projects for senior citizens who are on low income, they send out letters from the management urging them to pay dues to the NCSC. I want to read to the American people from a letter from one of the management in the Robert Sharp Towers in Florida.

It says to the members of that housing unit, all of whom are senior citizens, who are retired, living and barely subsisting on Government pensions or Social Security, the letter says:

There are many reasons for joining the NCSC. First of all, you have the privilege of living in these beautiful buildings, protected with security, free from financial worries of high rent and big raises.

Then it goes on to say:

The NCSC is well known and a powerful national organization, with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing, which take paper, stamps, envelopes, and hard work. Dues are payable June 1.

The message is, if you want to stay in this senior housing project, you had better pay your dues to the NCSC. That type of intimidation I think is unconscionable. It goes to fund lobbying efforts by this group to spend more taxpayer dollars, and it is something, quite frankly, that we should no longer allow to occur in this Congress.

I will submit for the RECORD, Mr. Speaker, a copy of that letter, along

with a recent policy statement by the NCSC saying that as of October 13, when we brought this matter to their attention, they are no longer allowing their management staff to issue such letters recruiting funds from their senior housing members, thereby admitting that it is a disastrous idea to have that conflict of interest.

The material referred to follows:

ROBERT SHARP TOWERS, NCSC
HOUSING MANAGEMENT CORP.,

Miami, FL, June, 1995.

DEAR TENANT: All TENANTS are asked to become Members of the NATIONAL COUNCIL OF SENIOR CITIZENS (N.C.S.C.).

The Dues are \$12.00 a year for an individual or a couple and can be paid in the office.

The N.C.S.C. is responsible for building ROBERT SHARP TOWERS, and have always been active in Benefits for SENIOR CITIZENS—Social Security, Medicare, Senior Aide Program.

There are many Reasons for joining N.C.S.C.

First of all you have the privilege of living in these beautiful buildings, protected with Security, and free from financial worries of high rent and big rates, which people are forced to pay in privately-owned apartments.

The N.C.S.C. is well-known and powerful National Organization with political clout in Washington. To carry on, the Organization needs money for these worthwhile Projects such as Lobbying and letter writing, which takes paper, stamps, envelopes and hard work.

Dues are payable the First of JUNE.

Please cooperate and pay your \$12.00 DUES as soon as possible.

Sincerely,

MARJORIE McDONALD,
Manager.

NCSC TALKING POINTS FOR HOUSE FLOOR,
PREPARED FOR CONGRESSMEN MCINTOSH,
ISTOOK, HAYWORTH—NOVEMBER 2, 1995

NCSC received 95% of its annual budget (\$73 million) from government grants last year.

NCSC is a 501(c)(4) non-profit organization.

NCSC gets most of grant money to provide jobs to low-income seniors through a program called the Senior Community Service Employment Program (SCSEP), which is funded under Title V of the Older Americans Act and administered by the Department of Labor.

Half of NCSC's Annual Report for 1994 is dedicated to its political and legislative activity. Only four pages are dedicated to its job programs.

NCSC's PAC made \$405,000 in contributions in the last 4 years to Presidential, House and Senate candidates.

NCSC is participating in a labor-based coalition that is directing a multi-million dollar TV ad campaign against Congress' efforts to balance the budget and save Medicare.

One of NCSC's wholly-owned subsidiaries—the NCSC-Housing Management Corporation—operates dozens of seniors' housing projects nationwide. In one of these projects—the Robert Sharp Towers in Miami—the NCSC threatened to take away housing if tenants refused to pay NCSC dues.

[NCSC's THREATENING LETTER IS ATTACHED].

When NCSC was confronted with this letter in October 1995, it is immediately adopted a policy prohibiting its employees from soliciting tenants to join NCSC.

[NCSC's NEW POLICY IS ATTACHED (policy is in italic)].

A recent GAO Report cites NCSC, along with 9 other groups, for improperly spending \$20 million in SCSEP grant funds on excessive administrative expenses.

McIntosh, Cunningham and Hayworth held a press conference this morning [SEE ATTACHED PRESS RELEASE] to focus attention on these outrages, and to call for:

(1) block granting Title V funds to the states to eliminate groups like NCSC that do nothing but waste money on administrative expenses; and

(2) adopting the Istook/McIntosh/Ehrlich/Simpson/Craig amendment to the Treasury Postal Appropriations Bill to end welfare for lobbyists like NCSC.

Section III

SITE STAFF RESPONSIBILITIES

3-3 It is not intended that the members of the Board of Directors of the Owner Corporation implement the various daily administrative operations of the property where a Managing Agent has been contracted for such purposes. Dependent upon the extent of Board involvement in the property, many policy and procedural aspects necessary for the operation of the property are delegated to the Managing Agent. However, in all instances, the staff employed for the property are responsible to the Site Manager who, in turn, is responsible to the Property Manager and/or representatives where designated.

As the Managing Agent, NCSC-HMC expects from Site staff the utmost care and respect to be given all residents and the general public in dealing with site activities. Questions asked of you by the residents must be answered promptly and politely. If you cannot provide an accurate response, bring the question or issue to the attention of the Site Manager/Property Manager for a response.

Volunteers who work under the direction of the Site Manager should regularly convene, as should other site staff, to work out problems, bring themselves up-to-date on procedures, and to offer recommendations to NCSC-HMC on improving the conditions existing within the property.

Only authorized site staff are permitted to handle the property funds, Resident records and matters regarding sensitive property issues, (e.g., recertification/verifications, etc.). Should you have a question with respect to your role as an employee, do not hesitate to bring the matter to the attention of your immediate supervisor.

Managers and all staff of properties are prohibited from soliciting for membership, products or services to be purchased by tenants. Managers and all staff are prohibited from sending out informational material utilizing project stationary or signing such solicitation utilizing your title as manager. Any violation of this policy will result in severe disciplinary action.

CONGRESSMAN DAVID M. MCINTOSH,
Washington, DC, November 2, 1995.

MCINTOSH BLASTS LOBBYING GROUP NCSC
FOR INTIMIDATING OLDER AMERICANS

WASHINGTON—Leading the drive in the House to end taxpayer subsidies to lobbyists who launder those funds for political activities, freshman Rep. David McIntosh, R-Ind., on Thursday blasted a taxpayer-subsidized lobbying group for intimidating seniors into paying dues to that group.

The National Council of Senior Citizens receives 95 percent of its annual budget, or \$73 million, in taxpayer grants—making it virtually an arm of the federal government. One of its subsidiaries, the NCSC-Housing Management Corp., operates dozens of seniors' housing projects nationwide. In one housing project, Robert Sharp Towers in Miami, the NCSC threatened to take away seniors' housing if they refused to pay NCSC dues.

In a June letter to residents of Robert Sharp Towers, NCSC asked for membership dues (see attached letter). The letter also said benefits of NCSC membership include "the privilege of living in these beautiful buildings . . . free from financial worries of high rent and big raises, which people are forced to pay in privately-owned apartments."

McIntosh said the letter is the worst form of intimidation and prays upon vulnerable senior citizens who depend on NCSC for housing.

"The message to seniors from this thinly veiled threat is clear—either pay NCSC dues or you're out on the street," McIntosh said. "Not only is NCSC using our tax dollars to pay for its lobbyists, but it also is threatening and coercing vulnerable older Americans—and that's an outrage.

"While taking more than \$73 million from taxpayers, NCSC lobbies, operates a PAC to make political contributions and buys advertising against congressional efforts to balance the budget. The activities of NCSC are a scandal and an affront to every taxpayer because we're the ones subsidizing NCSC's lobbying and intimidation—taxpayers are subsidizing welfare for lobbyists."

Each year the government hands out as much as \$160 billion in taxpayer grants to thousands of nonprofit groups. While many of these groups do charitable work that benefits society—feeding the poor, housing the homeless or cleaning the environment—others engage in highly sophisticated lobbying and political advocacy. And some nonprofits even do their lobbying at taxpayers' expense.

During the last six months, the House Government Reform and Oversight Subcommittee on Regulatory Affairs—on which McIntosh serves as chairman—has held four hearings into the money laundering of taxpayer funds for Washington lobbyists. Each hearing has been a window into the world of high-powered Washington lobbying and the lengths to which some lobbyists will go to hide their taxpayer subsidy.

On the NCSC, McIntosh has found that while taking in \$73 million in taxpayer grants NCSC also operates an aggressive political action committee that during the last four years has made \$405,000 in contributions to candidates for the House and Senate. NCSC also is participating in a labor-based coalition—comprised of other lobbyists that also receive taxpayer grants—that is directing a multi-million dollar television advertising campaign against congressional efforts to balance the budget and save Medicare. The ads include attacks against specific lawmakers.

In an investigative series on lobbying by taxpayer-financed groups, the New York Post reported last month that the "first 15 pages of its (NCSC's) 32-page annual report detail NCSC's extensive 'advocacy' activities, including * * * lobbying for Clinton's health care plan and against the balanced budget amendment."

The Post also highlighted the NCSC housing subsidiary and the motivation for its lobbying: "The NCSC successfully fought cuts in a program especially important to its bottom line: the Section 202 federal housing subsidy for seniors, which brings in tens of millions to its subsidiary, NCSC-Housing Management Corp."

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

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

Mrs. SCHROEDER. One of the questions I had, Mr. Speaker, to the gentleman, as the gentleman knows, I offered an amendment similar to his, vis-a-vis the military-industrial complex

contractors and other people who, really, 100 percent of their money was coming through the Federal Government through contracts. As you know, they also send out letters to their management saying everyone must give, they must give cheerfully, and they must give to the following people, and so forth. That went down.

Can the gentleman tell me, what is the distinction between the charitable nonprofit side and these for profits?

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent to continue for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MCINTOSH. Mr. Speaker, the key difference there is that contractors are already covered by Government regulations and have very strict limits on what they can do for lobbying. There has also been a misunderstanding about our bill. It is not only applying to charities and nonprofit groups, but also to for-profit groups, including Government contractors when they receive grants, such as research grants. So the gentleman from Colorado [Mr. SKAGGS], who does not agree with our legislation, pointed out that many businesses would be limited by our bill in how much lobbying that they could in fact do.

Let me, if I might ask the gentleman, if we incorporated her provision into the bill, would she then be able to work with me to try to get this passed?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, one of the reasons I offered this is because I think it is unbelievable we are going after the Girl Scouts and not after the Lockheeds and the big military people. I am shocked at the people who voted to go after the Girl Scouts, but not to go after that. I think we ought to be evenhanded. I would prefer we go after neither.

Mr. MCINTOSH. Let me say, Mr. Speaker, we are not going after the Girl Scouts.

THE EFFECT ON THE AMERICAN PEOPLE OF THE POTENTIAL CRISIS IN THE BUDGET AND CUTS IN SOCIAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, we come to this podium to raise several issues, and so many are before us. I do think in terms of the philanthropic limitations on pressing their points, we do trample on constitutional rights of first amendment speech when we deny the Boy Scouts and Girl Scouts and United Way to press their issues before the U.S. Congress. I hope we will consider that.

What I would hope that we would also consider as we proceed this week

is to not talk about Democrats and Republicans, frankly, but really to talk about the American people and the potential crisis that we are not facing in light of some very argumentative language and mean-spirited language about holding this country hostage, about train wrecks and refusing to lift the debt ceiling, which for many people might sound extremely confusing, but we are not at a point with a budget reconciliation proposal, dominated and proposed by the Republican majority, that cuts \$270 billion from Medicare and \$182 billion from Medicaid, cuts education, training, and cuts the opportunity for research and development, clearly not a direction this country should go in as it relates to the needs for our young people to be educated, cutting and burdening our students in colleges by increasing the amount of student loan payments they have to make by taxing them during the time they are in college.

We find that really, whatever persuasion the American people are, you will find now cited in the Wall Street Journal that 73 percent of Americans prefer smaller Medicare and education cuts over a 10-year budget.

No one is denying that there should be an opportunity to balance this budget. Most of us in our right mind are concerned about the future of this country, and those of us who have come from local government and State government, I have come from local government in the city of Houston, have balanced budgets. But it is patently unfair as the American people, these are not Democrats and Republicans, who have said 73 percent prefer a 10-year budget plan and much smaller cuts, because they know what they will face as working Americans when their children who are in college, whether it be community college or whether it be a 4-year college or graduate school, will have interest accruing on their student loans. They understand what it means when we have cut 30 percent of research and development, the very crux of creating jobs in America for those who come out with their diploma and are told that there is no employment. They, frankly, know what it means when 61 percent ask for the President of the United States, as I have done by way of a letter to him, to veto this Budget Reconciliation Act.

□ 1515

My challenge and charges to the Republican majority and to the Speaker is that we should not hold this Nation hostage with respect to the debt ceiling. We have bonds that may be in default, we have the potential for mortgage rates to go up over this period of time, car payments to go up over this period of time, and we are facing a crisis that will not allow us, frankly, to consider the concerns of Americans.

I have to look at, in the summer of 1996 in Houston, TX, the loss of some 6,000 summer jobs for our young people.

Now, many have accused those positions that come through the Houstons works program and come through funding through the Department of Labor as being baby-sitting positions.

Well, let me tell my colleagues what it does for high school students who have never been exposed to the work world. It gives them a challenge. It gives them income in many instances to provide for their parents who need to have extra income to make ends meet, it helps expose them to career opportunities, and yes, it sometimes provides them with the simple things like food, clothing, and the opportunity to go back to school in the fall. Yet, because of cuts in programs that have been constructive all over the Nation, job training programs and summer work programs, of which I am a product of, we will have a crisis in the summer of 1996.

Mr. Speaker, this crisis can be avoided if we take a moment to look at this budget reconciliation package and acknowledge that it is the absolutely wrong direction to take this country. We are remembering the 1981 tax cuts of which this \$270 billion will be used, and let me say to those who are making under \$50,000 and may have two or more children, you will not see any tax cut, for they have cut sizably the earned income tax credit.

Many of our citizens who consider themselves middle income and make \$28,000, they will not receive that benefit, and they have cut the earned income tax credit that has been really a support system and a reward system for those working individuals making under \$50,000. We will not get that with the \$270 billion in Medicare cuts that are supposed to be for tax cuts for those making over \$300,000.

So my point is, let us not hold this Nation, Americans, hostage on this issue of the debt ceiling. It is time to extend it so that we do not go into default, and that we acknowledge that we have a responsibility worldwide to keep this country's system, economic system stable, so that real discussions can be had: Do we want to cut student loans. I mean, frankly, do we want to do that. Do we not want to look reasonably at the Medicare cuts to ensure that Medicare is stable for those of you who are now working Americans, but yet not burden the elderly Americans who would have to pay the higher premiums, and do we want you today to have higher mortgage payments and car payments because we are not frankly dealing with the American people.

Lift the debt ceiling for a while, let us have a budget reconciliation package that really responds to the American public, all of us, some 73 percent who want this country to work.

AGREE TO DISAGREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, one of the great things about this Nation is the fact that we can come here and agree to disagree, the fact that we are free to have a variety of different opinions.

The gentlewoman from Texas [Ms. JACKSON-LEE] who preceded me in the well has some very definite opinions that differ from mine, as is her right, and really, there is so much information that begs a response that I just think it is appropriate to point out a couple of things.

No. 1, with reference to first amendment rights of freedom of expression, this is what the Constitution says: "Congress shall make no law abridging the freedom of speech."

Nowhere in the Constitution of the United States does it state that the Congress will subsidize with American tax dollars someone's right to politically organize. Mr. Speaker, it is not really free speech when you and I are required with our tax dollars to pay for it, point No. 1.

Point No. 2, with reference to the comments of my friend from Indiana, I find it incredibly shocking that a public housing project would be involved in what amounts to a senior shake-down. The language needs to be repeated, because it needs to be amplified. All tenants are asked to become members of the National Council of Senior Citizens, NCSC. That in itself would not be so bad, a simple request. Of course, the American people need to know that over 95 percent of the funding for the NCSC comes from you and I and other taxpayers. But still, that money is not enough. There has to be more that comes from seniors.

There are many reasons for joining NCSC. First of all, you have the privilege of living in these beautiful buildings protected with security and free from financial worries of high rent and big raises which people are forced to pay in privately owned apartments. The NCSC is a well-known and powerful national organization with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing which takes paper, stamps, envelopes, and hard work. Dues are payable the first of June.

Now, certainly, Mr. Speaker, every organization has a right to ask for membership, but is it the role of the Federal Government of the United States to step in with taxpayer dollars and be a party to what in essence is a letter that I believe tries to intimidate seniors involved in the shakedown.

It was interesting, too, to listen to some of the rhetoric that is brought forth to the well of this House. My good friend from Texas just talked about cuts. Again, my friends on the liberal side of this House fail to understand simple mathematics. When expenditures are increased, there are no cuts. Average spending for a Medicare recipient will rise from \$4,800 this year to \$6,700 in the year 2002. That is an increase of 45 percent per beneficiary.

Yet, in the twisted mathematics of Washington, replete with Orwellian news speak, people come to the floor of this House time and time again to talk about cuts.

The gentlewoman said we were holding the American people hostage with reference to making a decision to finally balance the budget.

Mr. Speaker, I submit, if we do not face economic facts, we will continue to hold future generations of Americans hostage. If we fail to answer this clarion call to action, we will be acting without any responsibility or regard for the real work at hand. Make no mistake, this talk of cut is absolute fiction. This is absolutely false. We are restraining the rate of growth in government; we are not making cuts. That is patently true.

The fact is that we are moving now to save the very programs that folks claim are being sacrificed, to save the very programs that will work for this generation of seniors and to provide the framework to continue those programs on. That is the absolute fact in front of the American people.

In this debate, let people of goodwill with disagreements come to this floor and indeed, write their Congress people, but let them do it without tax dollars, without the largesse of the hard-working men and women of America, because face it, friends, one of the big truths is this: Money does not emanate from the government, it comes from you and me, from working and paying our tax dollars. That supplies the money, and we should be held accountable for the way in which that is spent.

Now, absolutely good people can disagree, and I would champion the right of my friend from Texas to disagree with me, as she often does. But let us level with the American people.

Mr. Speaker, we will continue this at a later time. The debate goes on.

HOLD THE CHILDREN HARMLESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I would like to pick up a bit where the gentlewoman from Texas left off, because we are going to hear so much about the budget and reconciliation and balancing the budget, and I do not know about anyone else, but when I talk about this at home, folks' eyes glaze over. They hate their own budgets, so why should they want to listen to what is going on here.

Let me talk just a bit about why there is so much passion, why there is not an agreement, and why we have certain Members willing to take the full faith and credit of this great Nation and hold it hostage, so that they can get their way on the budget.

Mr. Speaker, if we took a kitchen table in America and sat everyone

around it and you were trying to do a family budget, and let us assume you have to cut spending, as we have to cut it in this body. Here is the big difference between the two sides, here is the big difference: We do not want to take money from the children in Head Start education and college, we do not want to do that, and we do not want to take grandma and grandpa's money sitting at that table so we can send \$20,000 to the rich uncle who lives in Chicago that makes half a million dollars. That is what this budget fight is about.

Now, they are going to say, oh, but the rich uncle who lives in Chicago is the guy who creates the jobs, so he has to get the money. But that is bottom line what this is about.

We are saying, this is not the time to send a present to the rich uncle. I think at every kitchen table in America when times are tough you try to hold the children harmless so they can get their education, they can get their nutrition in the school lunch program, and they have a chance to go to college, because they are the future. You try as long as possible and as hard as possible to hold the seniors harmless, because they have not caused this. But this is just like your budget, only bigger, by a magnitude of gazillions of dollars, and the thing is, who pays?

The gentleman from New York is going to have a very eloquent session on this, talking about education. People do not know how badly we have hurt education. In my State alone, the estimate for the increase of 9th to 12th graders in the next few years is almost 28 percent. Twenty-eight percent more kids are going to be hitting those senior high schools. So the Federal Government is backing away from all sorts of programs, plus it zeroed out summer jobs for those kids, and it did all sorts of other things that is going to impact their future.

So this is what it is about. People know they cannot get enough votes here to override a veto, so they have to take this debt ceiling thing, the thing that guarantees our money, the thing that guarantees the bonds of this Nation, the thing that guarantees the full faith and credit of this Nation, and hold it hostage and say, we will not lift the ceiling unless you let us have our way so we can take money from the little kids and money from grandma and grandpa and send it to the rich uncle in Chicago. Hey, if you think that is a good plan, you have to be really happy, that is what is going on. But when you get behind everything else, that is exactly what is happening here. So try and keep that in mind.

I must also say, this being the 75th anniversary of women having had the right to vote, this has been a very hard week for me in this body. We have seen all sorts of things change, and you would wonder if women could vote at all.

We have seen charts being allowed on this floor that were not medically certified, that were inaccurate, that should never have been here and that

were never here before, but suddenly the rules are going to allow that. We have seen the rules expanded for the other side so that they can talk; we have seen women's health and women's lives being taken away as a reason for doctors to treat them. Is that not amazing?

So I really hope that the women of America start waking up, and the men too, that are really understanding this.

We heard the debate about whether the nonprofits should be able to lobby here. Well, I want to tell you, let me tell you who is lobbying here, and that is the military industrial complex. That is why you have \$8 billion worth of B-2 bombers that nobody wants and all sorts of add-ons to the defense bill. They can do it and they are doing it with 100 percent Federal money, because a lot of them work in companies where all their money is Federal money. Nobody wants to turn them off. But they are so afraid that the senior citizens may come in here and talk about Medicare cuts or the Girl Scouts might come and talk about what happens if they lose some of the money in jobs programs for the summer, or the schools and teachers come in and talk about Head Start or what happens if we cut back, that those people must be gagged.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1530

So we gag them. But when I offer my amendment to say, OK, if you are going to gag them, we ought to gag the defense contractors, no, we do not do that.

These are not American priorities that I know unless this is a different America than the one I know. I hope we find some way to break through the clutter and noise and try to bring to people what these real issues are, and people get engaged in this.

Government is not the hokey-pokey. You cannot just put your hand in or your foot in. You have got to put your whole self in, understand the issues, and start working to make a difference or you are going to be awakened in a couple of years and wonder what happened.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 5 minutes.

[Mr. ISTOOK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

[Mr. KIM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESIDENT UNWILLING TO LEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, throughout our history Americans have looked to their President for leadership in meeting the challenges and crises we as a country have faced. George Washington led us through the birth of our Nation, Abraham Lincoln preserved the Union and freed the slaves, Franklin Roosevelt led us out of the Great Depression and into victory in World War II, and Ronald Reagan faced a challenge of double-digit interest rates and double-digit inflation and gave us the greatest peacetime economic expansion in history while bringing about the collapse of communism.

But today, as we face the challenge of finally getting America's fiscal house in order and balancing the budget for the first time in 26 years, we see a President who is not willing to lead. In fact, we see a President who has abdicated his responsibility to lead just when the value of personal responsibility is undergoing a revival in America. Instead of submitting a balanced budget of his own to offer as an alternative to the Republican budget, President Clinton proposed a phony budget that did not balance at all.

The nonpartisan Congressional Budget Office, CBO, the budget office that President Clinton said we should all go by, says the President's budget leaves us with a \$209 billion deficit in the year 2005, a bigger deficit than we have today. In fact, have a little chart that shows the budget deficit growing under the President's so-called balanced budget plan from \$196 billion today in fiscal year 1996 to \$209 billion in fiscal year 2005.

The President's so-called balanced budget is such a joke not a single Democrat would even vote for it. Indeed, when Republican Senators HATCH and SANTORUM offered the President's budget in the Senate, the Senate defeated it by a vote of 96 to 0.

Instead of submitting a plan to save Medicare, which his own Medicare trustees said would be bankrupt in 7 years, President Clinton has ignored the problem, refused to work with us in Congress, the majority party, anyway,

to save Medicare, and has engaged in a Medicare campaign designed to frighten and deceive senior citizens about the Republican plan.

Instead of coming forth with a bill to end welfare as we know it, as the President promised when he ran for President, the President remains silent throughout the welfare debate. Instead of delivering on a middle-class tax cut, as he also promised when he ran for President, and it is interesting that Candidate Clinton said one thing and President Clinton did another thing although, but instead of delivering on a middle-class tax cut as he promised during his Presidential campaign, the President pushed through the biggest tax increase in history, a tax increase that the President has recently admitted was a mistake. In fact, he said down in Houston at a fund raiser:

Probably there are people in this room still mad at me for that budget because you think I raised your taxes too much, and it might surprise you to know that I think I raised them too much, too.

That is what the President said. But, characteristically, the President blamed someone else for his own mistake, in this case the Republican Party in the Congress, which voted unanimously against the Clinton Democratic tax increase.

So, Mr. Speaker, at a time when Americans are embracing the value of personal responsibility, what does the President do but blame everyone else for his own lack of leadership?

Well, Mr. Speaker, Republicans in this Congress are different. We are keeping our promises, and we are stepping up to the Nation's challenges. No more excuses, no more Washington gimmicks, no more blame game. Republicans are providing the leadership that President Clinton promised but which, unfortunately, he lacks, the leadership that America needs.

It took less than a year for us Republicans to accomplish what President Clinton, in the most powerful office in the world, the most powerful political office, could not deliver in 3 years. In fact, just last week, we passed historic landmark legislation which balances the Federal budget for the first time in 26 years. We actually balanced the budget by the year 2002 by limiting the increase, not the decrease, the increase in Federal spending to approximately 3 percent per year between now and 2002.

Second, we preserve and we protect and strengthen Medicare while allowing Medicare spending to increase for every senior every year. The increase in California, where I come from, is from \$5,000 per Medicare beneficiary today to \$8,000 per Medicare beneficiary in the year 2002. In fact, over that 7-year period, we plan to spend an aggregate of \$50,000 per Medicare beneficiary in California.

Third, genuine welfare reform that requires work, that emphasizes the family, and gives people hope for the future.

Last and very importantly, tax cuts for families and for economic growth

and job creation in the private sector which gives us most of our new, good-paying jobs.

Mr. Speaker, it is time for the President to follow the Republicans' lead, do the right thing for America's future and support a budget, our budget, that truly reflects America's values.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2492. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

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

S. 1382. An act to extend the Middle East Peace Facilitation Act.

THE HORRIBLE TRUTH ABOUT TAXES IN LIGHT OF BUDGET AND APPROPRIATION PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the budget and appropriation process is behind schedule. I think that it has seldom been as far behind as it is now. But, as we all know, it is moving, and the critical high point is about to arrive. The negotiations between the Democratic President and the Republican-controlled Congress will mark the high point of this whole process.

Already there have been preliminary negotiations, I understand, at the White House; and we are beginning to enter that process. I think it is important at this point to take stock of where we are and to have the American people understand their vital role in this process.

I would like to, first, congratulate the American people, because the polls show that American common sense is again on target. American common sense, despite all the confusion, the double talk, the contradictions, the obfuscation, the diversions, despite it all, the American people understand basically what is going on; and their common sense has prevailed, and we have to listen to it.

According to the Wall Street Journal, 61 percent of the people want the President to veto the Republican budget. Yes, the Republican budget produced by this House of Representatives and the Senate, both controlled by Republican majorities, 61 percent of the American people, according to the Wall Street Journal, want the President to veto that budget. Thirty-two percent said it is OK.

Seventy-three percent of the American people prefer smaller Medicare

and education cuts, and they prefer a 10-year budget, according to the Wall Street Journal. Seventy-three percent prefer a 10-year budget and smaller cuts. Only 22 percent would go with a 7-year budget and the deep cuts that are proposed by the Republican majority.

Common sense is on target. Congratulations, American people, congratulations to democracy.

When the decisionmakers and the people who are locked into the closets of Washington lose their way and cannot understand the obvious, the American people can bring them back to reality.

Yes, the American people are on target right now, but I fear, as we move closer and closer to the climactic point of this whole process of budget and appropriations that there is going to be more attempt to confuse the American people. There will be more obfuscation and more diversions thrown at the American people.

So we have to be careful. Contradictions will be rampant. There will be a refusal to acknowledge certain things, like they will not acknowledge the horrible truth about taxes in America.

I believe we should have a tax cut. I believe American individuals and families, certainly those making \$50,000 or less, must have a tax cut. It is only fair, because they have been swindled, they have been swindled since 1943 by having the great shift in the proportion of the revenue burden borne by individuals and families versus corporations.

That is my chart that always bring because there is no truth more fundamental, no truth more important than the truth of this chart, which shows how the tax burden shifted from American corporations to American individuals and families.

Herein lies the solution to the problem of the deficit, herein, lies the solution to the problem of a balanced budget, and herein lies the solution to the problem of giving some relief to the American people who have borne such high taxes for so many years.

There might have been a justification during the era when we were fighting the cold war. So the American people made sacrifices. They bore the high taxes. The cold war is over now. There is no reason to continue, and there certainly is no reason why you had the shift which is so dramatic from the corporate world bearing the great portion of the tax burden to a situation now where the corporate world bears a very tiny portion of it and individuals and families are forced to bear most of it.

I will come back to that, but that is one of those acknowledgments, one of the pieces of truth that both the White House and the Republican-controlled Congress refuse to acknowledge. We are going to have negotiations at the White House, and I certainly support my Democratic President. I am glad that you have the President there instead of a Republican President. We are

going to have a little more balance, but I worry about it.

I recall several years ago when negotiations took place at the White House between the Republican President, George Bush, and the Democratic Congress, at that time I also worried, because the same phenomenon was under way, where corporations were still getting away with murder. Corporations were still being allowed to pay less and less taxes. Democrats will have to take responsibility for that.

I remember at that time I wrote a rap poem which started:

In that great white D.C. mansion there's a meeting of the mob.

And the question on the table is which beggars will they rob.

There's a meeting of the mob.

Now I'll never get a job.

I wrote that from the point of view of the average person out there who deserves to have at least an economy which is producing jobs and an economy which is not going to take away too great a portion of his wages after he is able to get a job and make some wages.

So this contradiction will not be discussed at the White House at great length. They are going to just give in to the phenomenon which exists, give in to corporations, and that is most unfortunate. We cannot let them do that.

I think if the American people understood what is going on in a better way, that common sense out there, that common sense which makes our democracy work among the people, that common sense would be communicated up the ladder to both the Members of the Republican-controlled Congress and the President and his staff in the White House.

There is a refusal to acknowledge the great income gap that exists in America right now, that is getting greater, the gap between those who are richest and those who are poorest, has never been larger. We are at the top of the countries in the world in terms of income gap. We used to be in the middle. Great Britain had a greater income gap between the very rich and the very poor. Now it is in America.

Democratic America now has the greatest gap between the very rich and the very poor. We have to acknowledge that. If we acknowledge that, then at the White House they would be discussing an increase in the minimum wage.

The Republican-controlled Congress says, "We will not discuss an increase in the minimum wage. We will not increase the minimum wage even one penny." That is what they have said. They will not discuss it because we want to bring the wages of American workers down to the level of the cheapest labor in the world. The labor in Mexico is cheap but it is even cheaper in Bangladesh. We want to make our workers come down to that level so our products will become competitive.

□ 1545

What they mean is so our profits will skyrocket even more than they are

now. We are making the highest profits in the history of Wall Street, in the history of American corporations. They are doing very well, but they want to go down, wages to go down even lower so that they can make even bigger profits. That is a contradiction. That is a problem that they will not acknowledge on one side of the table at the White House. The President is on record that he is willing to raise the minimum wage, but not the Republican-controlled Congress. They will not acknowledge the fact that all of this talk about giving block grants to the States and having the States take over programs, especially the programs that are for the poor, that that has a big contradiction built into it. It is not sound at all.

They imply that certain States, like my home State of New York, are wasteful States, that we spend too much money on Medicare and Medicaid, and yet the facts are that New York State as a State consistently pays more into the Federal Treasury in terms of Federal taxes than any other State in the Union.

In 1994, we paid in almost \$19 billion more than we got back from the Federal Government. It went as high as \$23 billion 1 year, what New York State was paying into the Treasury, \$23 billion more than we were getting back.

On the other hand, the States of the South all pay less into the Federal Treasury than they get back. They get back more from the Federal Government than they pay in, all of the States of the South, except Texas, and the difference is they paid a little bit more in 1994. They paid a little bit more in than they got back.

But \$68 billion more was received from the Federal Government by the southern States than they paid in. It is the Northeast States, it is the Great Lakes States, those are the States that are paying more in.

If you want to have block grants, if you want to push these programs down to the State level, you are going to hurt, you are going to hurt the southern States. You are going to hurt the poorest States. If you gave New York all of its money and said, "Look, you take care of yourself," we would have in New York \$19 billion more than we have now. Nineteen billion more would be available to take care of the problems of New York State if they did not have to go to the Federal Government.

You know, that kind of contradiction is built into all of this talk about States being given the priority to run programs, all of this criticism of States like New York State that has a higher expenditure for Medicare and Medicaid. We spend our money taking care of people. You know, what do the other States spend their money on? What is wrong? What is more noble than taking care of the health of people? That is another acknowledgment that needs to take place if these discussions are going to go on at the White House.

They ought to come back to the American people's level. They ought to

come back to the common sense level. They ought to acknowledge that there are generous, giving States and ungrateful, receiving States. Because those Representatives of the ungrateful, receiving States are always up talking about how horrible it is that you have so much money being spent on Medicare and Medicaid in places like New York, they do not acknowledge the fact that they are getting more money from the Federal Government than they paid in on a consistent basis.

There is also a refusal, and this is a very costly refusal, a refusal by one side of the table, the Republican-controlled Congress side of the table, to recognize education as a priority investment, and to give education top priority. Again, there is a contradiction here, because we just had today on the floor an amendment related to giving certain additional funds to the District of Columbia for certain items related to education that the Speaker finds very pleasant and thinks, in his own commonsense opinion, a good idea, and we were going to add money to the D.C. budget for that purpose while, at the same time, the almost \$4 billion in cuts in education by the Federal Government, when you take away the D.C. portion of that cut, it means that D.C. has lost a tremendous amount of money as a result of actions taken by the Speaker and his Republican-controlled Congress. They are taking away far more than they are giving.

It is like the slaves used to have to live under abominable conditions all year long. They had the worst possible housing, they had to wear flax shirts that scratched, they could not sleep in decent beds, they were fed the worst kind of food. At Christmas time the master always made sure everybody got as much as they wanted to eat. You could eat ham on Christmas day, and people rejoiced and they loved the master all year around sometimes because of what he did for them on Christmas.

So there is an attempt in this D.C. budget that the Speaker has proposed for education to create Christmas time in D.C. and let everybody be grateful for some extra money that is going to be dropped in there while they cut the basics away from the education aid that comes from the Federal Government.

So for education, health care, and other vital programs, we need to act here in Washington in a way which puts us in touch with the common sense out there in the rest of America. The rest of America is on course. We in Washington do not seem to get it. We are caught up in our own rhetoric. We are confused by all the entanglements, and we just do not understand what the basic American people understand.

The budget and the appropriations process goes forward. The Senate and the House Appropriations Committees are now going to finalize a budget that

they both agree on. In both the Senate budget and the House budget, there are horrible cuts to very vital programs. There is not much that can be done. That process is in motion, and if the two reach some kind of agreement on the basis of what they both have, the results will still be horrible, because they both have passed budgets and appropriations and the reconciliation package that, in the final analysis, cannot be salvaged. There is no salvaging of the budget between the Senate and the House for Medicaid. Medicaid as an entitlement is taken away. It is no longer there in the House-passed reconciliation bill. They did not do Medicaid the honor of having Medicaid be put in a separate bill so we could vote on Medicaid by itself and discuss the various aspects of what is being lost through these budget cuts. They would not give Medicaid that honor.

They had Medicaid treated with great contempt. After all, Medicaid is a program for poor people. They had the worst of contempt for Medicaid, so they just folded Medicaid into the reconciliation bill. Medicaid does not even get a discussion, but the cuts in Medicaid are horrendous, \$180 billion, more than \$180 billion over a 7-year period. That is a greater percentage cut in Medicaid than the \$270 billion cut in Medicare. The percentage cut in Medicaid is greater than the cut in Medicare.

Who is getting cut?

Mr. Speaker, the budget appropriation process goes forward. The good news is that the American people are on target. The common sense in America will redeem that situation if common sense is allowed to prevail, if common sense is not subjected to a lot of manipulation, a lot of confusion between now and the time the budget is finally decided during the negotiation process between the White House and the Republican-controlled Congress. Common sense says that the Republican budget should be rejected.

Again, 61 percent want the President to veto the Republican budget. Thirty-two percent are willing to live with it. Again, among the American people, common sense says that 73 percent of Americans prefer smaller Medicare and education cuts and a 10-year budget.

In other words, they say balance the budget over a 10-year period. Do not do it over a 7-year period, because that means that you have to throw certain groups of people overboard, deny them vitally needed services, and create a mean America, an extreme America that does not have to exist. They have come to that conclusion.

At the time when Washington, when in Washington both Democrats and Republicans are wavering and nobody can see a clear path on a 10-year budget course, we once had that proposed by the President, then it became 9 years, 8 years, there was a lot of seesawing back and forth. The American people said, "Look, what makes sense is to have a balanced budget, and if you do it in 10 years, that is good enough, because you can do it then without inflicting great amounts of pain and suffering on large amounts of people."

Why destroy the fabric of the Nation in an attempt to get the budget under control, if you can get it under control over a longer period without inflicting

all of the destruction and pain? Why deliberately dismantle the New Deal, the Great Society programs which large numbers of people benefit from, and they have not been heard from in terms of their not wanting to have these programs continued. They want Medicaid to continue. They want Medicare to continue. They want the small Federal investment in education to continue.

Federal investment in education is not that great. So why have that 7 percent of the total education budget for the whole country, why have that cut back? You know, most of the education funds spent in this Nation are supplied by the States and by local governments. The Federal Government only provides 7 percent of the total. About \$360 billion-plus is spent on education in all forms. For the last years the figures are available, \$360 billion-plus, and of that amount 7 percent only are expenditures that were Federal. So it is the other two levels of government that bear the education burden.

The Federal Government bears a portion of it that is vital, however. It is very critical that there be some kind of research and development in education, very critical that there be guidance in terms of standards. It is very critical that what the States themselves would find very inefficient to do, because one State having to bear the burden of educational research means that you have a budget for research that is out of proportion with the total budget.

Why do that when you can have the benefit of the economies of scale and have education research, since we all are Americans? We all are living in the same society and the same economy, basically. Why can you not have research with respect to how to improve our schools, how to teach better, how to make better use of our facilities, how to use new educational technology, equipment, why can you not have that done on a national basis by a Department of Education, and have all of the benefits of that research and development shared? That is common sense again, and we do not want to divert from that common sense.

So we will have a situation where the commonsense approach that the American people have shown will be under attack, under assault. They will be trying to confuse the issue, trying to manipulate opinions, and the contradictions will be rampant. The contradictions, things that just do not make sense, keep coming out of Washington. Things that just do not make sense are proposed by the Republican-controlled majority.

It does not make sense that you have cut education by almost \$4 billion, the Federal aid to education, and when you cut Federal aid to education, you are cutting Federal aid to Washington, DC.

It does not make sense to cut that so drastically and then come back in a D.C. appropriations bill, District of Columbia appropriations bill, and offer \$45 million for vouchers for poor children in the D.C. public schools. You are taking away some money that they had for lunches, you are taking away the money or part of the money they

had for title 1 programs, you have taken away part of the money they had for Head Start programs, you have taken away Aid to Families with Dependent Children, so poor children may not have decent clothes or a decent place to stay. You have taken all of that away. Now you are proposing here on the floor to spend \$45 million just for vouchers for children in the District of Columbia. You are going to start a voucher system so that children can go to private schools, instead of improving the public schools, and you are going to do that using a special approach which is totally out of sync with the rest of what the education laws are doing.

□ 1600

You are going to do that without using the Department of Education? You are going to do that in a way which would allow the worst kind of intrusion into education by the government?

Government at any level should not have partisan interference with education. We work very hard to try to keep partisan interference with education at a minimum. But here the Federal Government is feared most of all. We went for years without having the Federal Government have any role in elementary and secondary education, because the American people did not want dominance by the Federal Government on education matters.

I have always said this fear on education matters is an unfounded fear, because the tiny portion of the education funds provided by the Federal Government will never place it in a position to dominate education. If we are only providing 7 percent of the funds and the States and local governments are providing the rest of it, how can we come in and dominate education with only 7 percent of the funds?

Even if you move that up to 25 percent, and I think it ought to go that way, I think we ought to have the Federal Government participating in the education process in the United States of America to the point where they are at least bearing 25 percent of the cost. If we went up to 25 percent of the cost, then State and local governments control 75 percent of the revenue and the funding, and they would have control of the decisionmaking.

Any democracy, if you have 75 percent of the control, then you are in control. Nobody can take 25 percent and come in and dominate how our schools are run.

But if you have a program as the Speaker is proposing here in Washington, where they are going to set up their own private foundation with Government money and the Government money is flowing as a piece of largess from the Speaker, the master of the plantation will provide for Christmas some special goodies, and the master of the plantation wants to sit back and talk about his schools in the District of Columbia, his students in the District of Columbia and what they are doing and play games with it in a way which constitutes dramatic Federal interference into local school activities.

That may lead to a lot of good. Christmastime was better than nothing. To be treated like animals all year long, given the least in food, clothing, and shelter, was the lot of the slaves for 232 years. They had to live that way. But if 1 day a year the master decided at least to give some decent food and let them take the day off to eat well and to be free to have a little fun, then Christmas stood out.

We do not want that kind of situation in the funding of American schools. I do not see why the D.C. schools have to be a plantation, run by a benevolent Speaker, to have a situation where he can reach in and play with the resources, using Federal money, and dictate the degree to which students go to private schools, can use the powerful office of the Speaker to attract private money.

There is a whole lot of interference there, which may be good, but, in the final analysis, will take away the decisionmaking and will set precedents that will be poisonous throughout the whole of America in terms of local school control all over the Nation.

So that is one of those contradictions. That is one of the kinds of things you have to sort out.

There were people who came to the floor and said, "Should I vote for that Christmas gift on the plantation approach to D.C. schools? Should I make sure that some handful of kids get some benefits? Or should I vote for the principles of not having Federal interference to play with the schools in the District of Columbia?"

It was not an easy decision, because when the Speaker hands out a possible Christmas gift of \$45 million, it is kind of a hard gift to turn down. It is hard to say to the children of the District of Columbia, you cannot have this gift, because, in the long run, it is going to poison the whole Federal relationship with local governments. This will be a precedent that will certainly lead downhill. Every powerful politician in the Congress, in Washington, will want at some time to play with the education budget in order to be able to have his own plantation and give out Christmas gifts as he sees fit.

That is not the way to go. It is dangerous. Despite the fact it is passed the House today, I hope that wisdom will prevail and we will never see the Christmas gift approach to Washington

schools, turning them into a plantation, take place.

That is a contradiction you ought to take a hard look at. Take a hard look at the details, American people, with all your common sense. I leave it up to you to evaluate that and see it for what it is worth.

Let me give you another example of the kind of contradictions you have to live with. In the great White House negotiations on the budget, neither side is going to be truthful about the waste of more than \$28 billion by the Central Intelligence Agency. The budget of the CIA, an intelligence operation of the United States, is admittedly \$28 billion or more. Nobody knows that secret figure. Who can tell it? The few people who know it are sworn not to tell it. So the \$28 billion that goes into the CIA is supported by both parties.

Along with some colleagues, I brought a bill to the floor which would cut the CIA budget by 10 percent over a 5-year period. Now, over a 5-year period, if you got 10 percent of \$28 billion, you would get \$2.8 billion per year over a 5-year period. That is not bad in terms of funds that could be transferred to education.

You are cutting education specifically by \$3.8 billion, almost \$4 billion. You are cutting job training programs. You are cutting the Summer Youth Employment Program. With a \$2.8 billion cut from the CIA budget, and it still would have 90 percent of its budget, we only cut it by 10 percent a year, if you got that \$2.8 billion from the CIA budget, you would have some way to give money back to some of these vitally needed programs that have been cut. It is as simple as that.

But the CIA budget will not be touched. We brought the motion to the floor. We had the amendment on the floor to cut it by 10 percent. The first year, we got 57 votes. The last time we brought it up, we got 54 votes. We are going in the opposite direction.

Why do Democrats and Republicans all want to keep a CIA funded at the level of \$28 billion when the cold war is over and half of the role of the CIA was to spy on the Soviet Union? And they missed out on that because they did not predict the collapse of the Soviet Union.

Since we brought our bills to the floor, there have been some recent developments in the CIA that even more justify the fact that the CIA is a great waste of the taxpayers' money. I am not saying to cut it out completely, but you could streamline and downsize the CIA, probably by cutting the budget in half.

Because it is obvious that half of the people there are nothing but fumlbers and bunglers, old boys in the network, who have a good time. They use the safe houses for illicit sex. They run up expense accounts that nobody can really control. They come up with slush funds.

Recently, it was announced they had a slush fund, a petty cash fund, that

was more than \$1.5 billion. Can you imagine a petty cash fund in an agency for more than \$1.5 billion, and the head of the agency does not know about the petty cash fund? Nobody in authority. The Director of the CIA stated he did not know that there was a petty cash fund of \$1.5 billion or more. They do not give figures exactly, but I know from good sources it was at least \$1.5 billion.

Nobody knew about it. The President did not know. We have got two intelligence committees, one in the House and one in the Senate. Whenever you talk about cutting the CIA budgets, they always have spokesmen from those committees come forward and talk about the great work the CIA is doing and they need every penny. Here is a slush fund out there nobody knew about.

The CIA also built a building for \$370-some million near the Dulles Airport. They had a building going up under construction, and the Federal Government did not know who was constructing it. The intelligence committees here in Congress did not know that the CIA was constructing that building.

How can you construct a building which costs \$370 million near the Dulles Airport, and it be invisible? I suppose that may be an example of how wonderful the CIA is, how masterful their work is. They can construct a building for \$370 million and you not know it is there, that takes real skill. I do not know whether it is espionage skill or skill in manipulating, but it takes some kind of skill to have a building that costs \$370 million constructed near the Dulles Airport, and it be invisible to the members of the Permanent Select Committee on Intelligence and the President and the people who should know about it.

So what I am saying is that while this great budget cut is going forward, while we are trying to balance the budget, while we are saying that we want to bring the Federal Government under control, we want to streamline the Government, while we are saying that the Medicare Program must make sacrifices to the tune of \$270 billion, while we are saying we have to take away the Medicaid entitlement and Medicaid has to make a sacrifice to the tune of \$180 billion, while we are saying we can have no more Summer Youth Employment Program, while we are doing all these horrendous things to streamline the budget and balance the budget in 7 years, we are still willing to keep funding the CIA at the same level. We are still willing to keep tying up taxpayer money in an enterprise that has discredited itself.

We will not even cut it 10 percent, let alone one-half. Of course, you all know the Aldrich Ames story. I conclude finally with the CIA and the Aldrich Ames story.

The last time we had our amendment on the floor, an amendment which called for cutting the CIA by 10 percent, the Aldrich Ames story was out

there. We knew that Aldrich Ames, a key figure, a key person in the CIA, responsible for counterespionage or espionage with Eastern Europe and the Soviet Union, was a spy for the Soviet Union. That was a fact that had been let out there. The CIA probably would have wanted to keep it secret, but circumstances were such that it could not be kept secret. Ames used safe houses for eliciting sex. He was a drunkard. I am sure his petty cash vouchers were never correct. Everything you can imagine, Aldrich Ames did it for years and years in the CIA. Yet they kept pushing him upstairs. They kept promoting Aldrich Ames.

He got away with so much, he decided to go for broke, and he was on the Soviet Union's payroll for millions of dollars.

Aldrich Ames is still arrogantly challenging the CIA. Aldrich Ames still has not told everything. But the Inspector General of the CIA has conducted an investigation, and the recent conclusion, it is not a secret, it is in the papers, the conclusion is that Aldrich Ames not only caused the death of more than 10 agents in the employ of the United States, not only caused the death of all those people, but he also had a system which was passing on false information up the ladder. Even when the supervisors in the CIA became suspicious of the information that they were getting, they passed it on anyhow, as high as the Secretary of Defense and the President. They let the information go through without saying there is a problem here, or there might be a problem here. The supervisors and the whole old-boy network within the CIA was contaminated to the point where they were knowingly passing on false information to all the Presidents in the past 10 years.

That was going on while Aldrich Ames was in charge of spying on Eastern Europe and the Soviet Union. This is known. Yet we have in the budget an untouchable item. The negotiations at the White House will go forward and say yes, we can get rid of the Summer Youth Employment Program, 32,000 youngsters in New York City, all the big city across the country, where we have thousands of youngsters who get summer employment from the program. We can get rid of that, but must keep every dime in the CIA.

These contradictions are what the American people need to know about, so you can keep your focus. You are right. You are on track when you say that the President should veto the Republican budget and when you say we should not cut Medicare and Medicaid so drastically; when you say we should spread the budget cuts out for a 10-year period and balance it over a 10-year period instead of 7 years. You are on target. American people, you are on target. Congratulations, democracy. Do not let anybody turn you around. Keep remembering the CIA and that kind of waste. Keep remembering the D.C.

Christmas present, the D.C. plantation Christmas present that comes from the Speaker at a party that has cut education across the country by almost \$4 billion.

I have one more example, and then I will stop giving examples of contradictions that are running rampant. The final example I give you is an example taken from the Washington Post magazine. This magazine, October 29 of this year, the Washington Post. I give you the documented source. You can get a copy of this, there is no problem. Rush Limbaugh does not have to put his researchers to work to put this out. If Rush Limbaugh wants his researchers to check out the Washington Post, he has enough to do that, and he can do that. But this is a story of monumental waste that every taxpayer should be indignant about.

□ 1615

Monumental waste. And yet it took place in the defense budget. The defense budget is being increased, Mr. Speaker. Over a 7-year period the defense budget will go up.

The defense budget will be increased at a time when there is no more evil empire in the Soviet Union, at a time when we can certainly close down most of our overseas bases, at a time when we do not need any more *Seawolf* submarines, do not need any more high cost nuclear aircraft carriers, at a time when star wars is ridiculous. We are going to continue funding some of those same items.

So the contradiction, the greatest contradiction is in the insistence by the Republican controlled majority in the Congress that we continue to build up the defense budget. A sad portion of that contradiction is that the Democrats in Congress and the White House do not challenge that assumption. Democrats have not proposed, as a party, that we cut the defense budget.

Oh, yes, the Congressional Black Caucus proposed deep cuts in wasteful defense expenditures, but Democrats will not touch it and Republicans want to increase it drastically. That contradiction the American people should bear in mind. They should keep their commonsense head on.

Mr. Speaker, listen to this. According to the report in the Washington Post, October 29, 1995, the magazine section, the Pentagon spent \$3 billion on a stealth bomber that was never built. Pentagon spent \$3 billion on a stealth bomber that was never built. Now, \$3 billion would almost keep the education programs, 70 education programs. Education programs were cut drastically. Some were zeroed out. The overall cost was \$3.8 billion in cuts, to be exact. \$3.8 billion.

If we just got back \$3 billion from the waste in the Pentagon on this stealth bomber, we would be way ahead of the game in terms of funding education programs that are vitally needed. So understand the relationship, the refusal of the White House, the refusal of

the Republican controlled Congress to talk about the waste in defense, which generates suffering and pain in the rest of the budget and it prevents us from investing in vitally needed programs like education and job training.

Mr. Speaker, we vitally need education programs and we vitally need job training programs. We cannot do that if we continue to waste money like this. We spent \$3 billion to build a stealth bomber and it was never built. Here is the additional information that the American people need to know. We may have to spend \$2 billion more in order to get it finally canceled. Listen. We have already spent \$3 billion on a stealth bomber that was never built, never flew, but we may have to spend \$2 billion more because the companies that were supposed to build this bomber are now suing the Government and stating that the taxpayers owe them another \$2 billion.

This is going on right here in Washington, DC at a time when Medicare is being cut drastically, at a time when Medicaid is being cut, at a time when education is being cut by almost \$4 billion.

Mr. Speaker, listen to this. I read from the Washington Post magazine:

It looks like something out of a sci-fi movie. A flying triangle, 37 feet long and 70 feet wide. A plane that does not have wings but it is one big wing. It is sitting in a huge hangar in a defense plant in Fort Worth propped up on a makeshift trailer. Bill Plumley, the man who saved it from the scrap heap, stands on his tiptoes, reaches up to the plane's lightweight underbelly, he sticks his right hand into its innards, he taps on the landing gear and he says, 'It is all plastic', he says with a smile. That makes sense. After all, this is a model. This is a model plane. It is a full-sized mock-up constructed to test whether all the parts would fit together. But now it is all that remains of the United States Navy's A-12 Avenger".

This is what the stealth bomber was called, the A-12 Avenger.

A plane that has never flown and never will. It is a procurement fiasco that has already cost the American taxpayers more than \$3 billion and is quite likely to cost them \$2 billion more.

The A-12 was killed in 1991, smothered in its cradle by Dick Cheney, who was then Secretary of Defense. Cheney was angry that the plane was at least a billion dollars over budget and a year behind schedule.

He was angry because those were the facts, but he was also angry because the Navy and its contractors had concealed from him until after he testified to Congress the fact—they told him the A-12 project was proceeding just fine. In other words, the Secretary of Defense came to Congress and testified the A-12 is on schedule and it is not exceeding its cost, and shortly after that he discovered that not only was it not on schedule, it was a year behind schedule and it was at least a billion dollars over the projected cost.

Inevitably, because this is America, the A-12 has spawned a lawsuit. The Secretary of Defense killed it. He said,

no, we will not go further. I will not waste any more of the taxpayers' money. This project is over. We have spent \$3 billion, the plane is not here, it does not fly, it is continually mounting in overrun costs, it is canceled. But he found he could not do that. The company sued.

It is a gargantuan and seemingly endless case, described in various newspaper accounts as the largest claim ever filed against the Federal Government and the most expensive lawsuit ever. In other words, the American taxpayers have paid out already \$3 billion and now these suits will cost them another \$2 billion, these lawsuits that the companies are bringing.

At issue is a huge sum of money. The Navy wants the contractors to return \$1.35 billion of the money that they have already received for the plane that they never built. All this has happened and no one has gone to jail yet. Only in America could this happen and no one ever go to jail. Even in Europe the head of NATO was recently told he is under investigation and probably will be indicted for some crooked things he did in terms of procurement of weapons. But in America nobody has been indicted; nobody is being investigated for wasting \$1.35 billion.

Mr. Speaker, the contractors now have the nerve to say not only did they not build the plane and wasted the taxpayers' money, but they want the taxpayers to pay \$1.6 billion more. Nobody expects this case to end any time soon, and one attorney for the contractors said it could drag on until the year 2007. The government could lose this case merely because the Secretary of Defense eagerly took responsibility and said I will not let this swindle of the American taxpayers go on any longer. He took action quickly and hastily, and they say he had no authority to take that action. Somebody else was supposed to make that decision. And that is the basis of a court suit that will rob the American people probably of another \$2 billion.

Mr. Speaker, the taxpayers have spend \$3 billion on a plane that cannot fly. Three billion dollars. Three billion dollars is the cost of all the cuts in education except a few. We could take that \$3 billion and restore most of the cuts in education programs.

\$1.1 billion has been cut from title I programs. Title I programs go all across the country to schools where poor children exist. Three hundred million dollars has been cut from Head Start programs all across the country. The only time Head Start has been cut since its existence. President Nixon funded Head Start with an increase, President Bush increased Head Start, President Reagan increased Head Start and President Carter increased Head Start. We have never cut Head Start since it came into existence.

Now we have cut Head Start, but we will continue to pour money down the drain on this weapon system we have already decided to cancel. And in this

reconciliation package, which is summarized here, the one place where there are increases in the budget is in the defense budget. Great increases take place here in defense.

Mr. Speaker, the American people are on target. Remember what I said in the beginning. The American people said the President should veto this budget. He should veto the budget that contains these increases. He should veto this budget that contains all these increases for defense while cutting education, while cutting Medicare, while cutting Medicaid. Sixty-one percent of the American people said veto the budget. Seventy-three percent of the American people say we prefer smaller Medicare and education cuts, and we prefer smaller Medicare and education cuts, and we prefer a balanced budget over a 10-year period. Common sense is on target.

The contradictions are what we have to watch in order for the American people to maintain their common sense and in order for the American people to understand they are right and people are wrong here in Washington; that the Republican-controlled Congress is wrong. The Republican-controlled Congress is dangerously wrong. The American people are right and the Republicans are wrong. The American people should keep their heads on. They should not let all these contradictions I just talked about confuse them.

Mr. Speaker, another thing the American people have to worry about, and the reason why they are right and the Republicans are wrong here, is because the Republicans refuse to acknowledge basic facts like the ones exhibited by this chart. They refuse to acknowledge the horrible truth about taxes in America.

The horrible truth about taxes in America is that families and individuals have been grossly swindled. And I cannot say this too often, because nobody else in Washington is willing to say it. Here is the answer. Yes, we need a tax cut. The American people need a tax cut. Families below \$50,000 deserve a tax cut. They should have a tax cut. I think the President's proposal for a tax cut is on target. The gentleman from Missouri, Mr. Gephardt's proposals for a tax cut is on target. When we combine the two, we can get a sensible tax cut that takes care of trying to correct a wrong that has been done to the American people.

The red line here is corporate America's share of the tax burden. The blue line here is the share of the tax burden borne by individuals and families. In 1943, the first year for these two charts, individuals and families were paying only 27.1 percent of the total tax burden.

If Rush Limbaugh and his various researchers want to check these figures out, these figures come from the U.S. Office of Management and Budget. They can go to the Congressional Budget Office. These are not the kind of figures that there is any controversy

about. These figures are all hard figures.

In 1943 27.1 percent of the tax burden was borne by the families and individuals, while 39.8 percent, almost 40 percent of the tax burden was borne by corporations. Corporations, where they are making the greatest amount of money now. Individuals are making less money. Wages have gone down but corporations are making more. At that time they were bearing more of the burden.

We had a great change take place in 1983 when Ronald Reagan first proposed his trickle-down theories. It was not just Ronald Reagan by himself. He had to have some cooperation by the Democratically-controlled Committee on Ways and Means. So the burden for this one is borne by all of the Washington decisionmakers.

It shot up from 27.1 percent in 1943 to 48.1 percent of the tax burden being borne by individuals and families in 1983, 40 years later. 48.1 percent of the tax burden while corporations dropped all the way from 39.8 percent of the tax burden to 6.2 percent.

Mr. Speaker, the American people should listen and let their common sense go to work. They should let their common sense look at these figures. There is no common sense in Washington. Somehow it all gets clouded. There are a lot of factors that go into motion here which make it impossible for Democrats to see this chart and makes it impossible for the Republicans to see this chart. There are obvious answers that jump out at us from this chart.

□ 1630

Are things better now in 1995 than they were in 1983? Yes, they are slightly better. Individuals and families are paying 43.7 percent of the tax burden, instead of 48.1 percent of the tax burden. So individuals are paying a little less than they were before.

Corporations are paying 11.2 percent of the tax burden instead of 6.2 percent, which was the low point they achieved under Ronald Reagan's trickle-down theory. There has been an adjustment. It is a little bit better. But look at the discrepancy here. We still have 48.7 percent of the tax burden being borne by families and individuals, while 11.2 percent is borne by corporations.

Do Members want to balance the budget? Do Members want to lower the deficit. Do Members want to give a tax cut all at the same time? We do not need to use magic. Magic is not necessary. Cut the defense budget that is wasteful that I was talking about before and we get rid of the corporation loopholes.

Mr. Speaker, no Democrat wants to be caught raising taxes. No Republican wants to raise taxes. We can raise this figure here, the share of the revenue that is contributed by corporations can be raised without increases taxes. What we do is close the tax loopholes.

Close the tax loopholes which allow foreign corporations, American corporations with foreign operations, to pay less taxes than corporations in this country totally. Corporations who have all their operations in this country and give all their jobs and business to American workers and pour it into the American economy, they do not get the same benefits as corporations who have foreign operations.

Mr. Speaker, if we just eliminated that loophole, we would raise this figure a little bit. If we eliminated the subsidies that go to corporations for advertising products in foreign markets, we would raise it a little bit more.

In our Congressional Black Caucus alternative budget we eliminated enough loopholes to raise the revenues of the corporations up to 16 percent. If we raise it up to 16 percent and we cut the defense budget, the waste in the defense budget, we can end up with a balanced budget and we do not cut Medicare and Medicaid 1 cent.

We could end up with a balanced budget and not cut education. Instead of cutting education, education was one area where we increased the budget by 25 percent. In the Congressional Black Caucus alternative budget, education was increased by 25 percent.

Mr. Speaker, education is an investment that America needs to make. It is an investment that the Federal Government needs to make, and we gave it the highest priority. We can do that and still balance the budget and eliminate the deficit and give a tax cut, but we have to deal with the corporate tax loopholes. We have dealt with the swindle, the great swindle down from 39.8 percent to 11.2 percent.

We do not have to be geniuses. Any sophomore in high school could do the figures and see, calculate the percentages and see what this figure is. It got as low as 6.2 percent. The scandal was so great, until there was an agreement that we had to do something about this figure. Corporations were paying in 1983 as little as 6.2 percent of the total tax burden, and individuals were all the way up to 48.1 percent.

What am I talking about? I am saying that there are facts and circumstances which the negotiators at the table who are going to decide on the budget that is going to set the course for America for a long time to come will not even acknowledge. They will not acknowledge this chart provides the key to balancing the budget, ending the deficit, and giving a tax cut. They will not acknowledge that a great swindle took place.

So, Mr. Speaker, I present it to you. The American people have common sense who show in the polls that they know what is happening. I say to the American people, "You be the judge. You be the judge of what ought to be happening here in Washington." This is a truth that must be acknowledged.

Another truth that must be acknowledged is the fact of the income gap. Those people who are lucky enough to

have a job, the only way that they can get more income is if we lower the taxes. They deserve a tax cut. Families and individuals making \$50,000 or less must get a tax cut. I am in agreement with the President and the gentleman from Missouri [Mr. GEPHARDT] on the kind of tax cut that we ought to have.

Mr. Speaker, we lower this figure so that the income of these people would be increased. That is justice, to bring down the tax here. It would be justice if we brought them up here, so that we do not increase the deficit at the same time.

The minimum wage would not cost the American people anything. Taxpayers do not pay a penny in terms of minimum wage increases. It means that we pay a decent wage to people in corporations and private businesses. The government sector also would have to pay additional money, although there are almost no government jobs still that are paying minimum wage. They are already above the minimum wage.

Mr. Speaker, the minimum wage is low, \$4.25 an hour. The President and the Democrats in Congress have proposed to increase this \$4.25 an hour by 90 cents over a 2-year period; 45 cents 1 year and 45 cents another year. That is the least we can do to deal with a situation which has steadily grown worse.

As the minimum wage has stagnated and stood still, the earning power of these families has gone down. So, we have a situation now where what workers make at the minimum wage pays for far less than it used to.

The minimum wage as a percent of the average nonsupervisory wage has dropped from 52 percent in 1960, to a current low of 37.7 percent. In other words, people in supervisory positions, executive positions, as a percent of wages, minimum wage earners are making 37.7 percent where they used to make about half as much as what the bosses made. The gap in the income is great and it must be attended to.

This is the 57th anniversary for the minimum wage. It was started October 24, 1938. American workers were guaranteed 25 cents an hour wage to protect them from exploitation and to be sure that their work was fairly compensated. We need to increase the minimum wage. Nobody wants to deal with the truth of the income gap and increase minimum wage.

Mr. Speaker, nobody wants to deal with the truth or the fact that as they move all of these programs, like Aid to Families with Dependent Children, like the school lunch program, like portions of Medicare, programs are being pushed down, education programs, to the State and local level. They are saying that the State and local level can handle them better and they are saying that Washington is wasteful. But in America, many States would not have these programs at all if they had to pay for them alone.

Franklin Roosevelt knew what he was doing. He was not naive. Lyndon Johnson knew what he was doing. He

was not naive. They understood when they created the New Deal programs that we had a situation where the wealth of the East and Northeast would be translated and go to the poorer States.

Mr. Speaker, let me wind up by saying my message is that Americans are on track. Their common sense, the way they read the situation in Washington, is the one that is correct.

Mr. Speaker, I say to Americans, "Do not allow anybody to confuse you. Maintain your common sense. America needs your common sense in order to get through this budget crisis."

THREE MAJOR GOALS OF THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, thank you for taking the time to allow me to address the House. I would like to say that I will basically be making some comments and then yielding to my good friend, the gentleman from Kansas [Mr. TIAHRT], who will demonstrate some of what I am saying and amplify and also go on into other areas.

Mr. Speaker, really what I wanted to address the House about was why we are doing what we are doing and what are we doing.

Mr. Speaker, we have three basic goals as this Republican majority. Our first goal is to get our financial house in order and balance our Federal budget. We would like to do that no later than 7 years. We would like to do it sooner, but 7 is the outer limit to balancing that Federal budget.

Our second task is to save our trust funds, particularly Medicare, which starts to go insolvent next year and becomes bankrupt in 7 years.

Our third effort is to transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, the bottom line to this effort is: Get our financial House in Order; balance our budget; save our trust funds, particularly Medicare, which is going bankrupt; and transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, we have heard a lot of dialog in the last few months about whether we are cutting or increasing. The gentleman from Kansas is going to be able to demonstrate what truly is a cut and what is not, but I would like to begin to start that dialog by dealing with five issues that our colleagues on the other side of the aisle refer to as cuts.

One is the earned income tax credit; another is the School Lunch Program; another is the Student Loan Program; a fourth is the Medicaid Program; and a fifth is the Medicare Program.

Mr. Speaker, in none of these five areas did we cut the programs. We increased spending. We allow these programs to grow significantly. What we did is we slowed their growth, and slowing their growth is absolutely essential.

I have been in Congress now 8 years, but before that I was in the State House in Connecticut. As a State legislator, I had to balance our State budget. I was basically amazed that a Member of Congress could seven vote for a budget that was not balanced. Unless, obviously, our country is in hard economic times and we need an economic generator, but to do it continually when times were bad and when times were good, to continue to deficit spend.

I always vowed that if I came to Washington, that my first issue would be to get our financial house in order and balance our Federal budget. One of my first recognitions was, however, that I only got to vote on a third of the budget. I only got to vote on what came out of the Committee on Appropriations.

Mr. Speaker, we refer to what comes out of the Committee on Appropriations as discretionary spending. It is the spending that funds the domestic discretionary funding, and also foreign aid, what we call international expenditure, and the third is defense spending. All of that is voted out on 13 separate appropriations bills by the Committee on Appropriations. Sometimes we collect them all into one bill.

Mr. Speaker, what we did not get to vote on, and what I have never voted on in my now eight years in Congress, I have never been able to vote on significant changes to entitlements. Entitlements are Social Security; they are Medicare; they are Medicaid; they are certain welfare programs; they are certain farm aid programs. If a citizen fits the title, they get the expenditure.

Mr. Speaker, this Republican majority made a determination that we were not going to change Social Security, but the rest of the budget, the 75 percent that is left over, 76 or 77 percent that is left over, we would begin to address; not just the one-third that is the discretionary spending.

We made a determination with our Contract With America, which by the way is a positive plan that does not criticize Democrats, does not criticize President Clinton. It was a plan that we agreed to. Not just the individuals who are incumbent Members, but those who were challengers. We agreed that if we were elected and were the majority, we would move forward on 8 reforms in the opening day of the session and 10 reforms during the first 100 days.

One of those reforms was a balanced budget amendment. We made a determination with the balanced budget amendment that we would not just vote for a balanced budget amendment, but we would vote to balance the budget. The only way we can do that is to address the incredible challenge that

we have with our entitlements, particularly Medicare and Medicaid.

Now, what happens with the earned income tax credit? This is basically an affirmative payment that the Government makes to those who make the very least amount in our country. It is basically for the working poor, primarily. It is an attempt to get them off of welfare and not see a significant drop where they start to pay a lot of taxes. It is an effort to say they will actually get an assistance from the Government to get them up to the level where they get a livable wage.

Democrats, the minority party on the other side of the aisle, they say that we are cutting the earned income tax credit. What is happening with the earned income tax credit is that it is going from \$19.8 billion this year to \$27.5 billion in the seventh year, the year 2002. Only in this place, in Washington, when we go from \$19.8 billion to \$27.5 billion could anyone literally call it a cut.

□ 1645

It is nothing, it cannot even come close to being called a cut. It is going to grow, and it is going to expand. We are going to see a significant increase. Same thing with school lunch. School lunch over a 5-year period, now it is \$6.3 billion, it will grow to \$7.8 billion. How can you say when something goes from \$6.3 billion to \$7.8 billion it is a cut? You cannot call it a cut. You could say we slowed the growth of spending, but that even is a 5-year plan. It continues to go up even more.

Student loan really gets me. The argument that we are cutting student loans is an absurdity. It goes from \$24.5 billion this year. In the fifth year it grows to \$33 billion. In the sixth year, it grows to \$36 billion.

In the 7th year, so from 24 to 36, it grows by 50 percent basically in 7 years. Only in Washington when you see such a large growth in student loans do people call it a cut.

What are we doing? We are saying that grace period, when you have left school and then you get a job, that grace period where the Government would pay the interest rate, we defer the payment for that grace period, but then you have to pay the interest rate. If you had a loan of \$17,000, and that \$17,000 loan during the course of payment, you would be paying an additional \$9 more a month, basically the cost of a movie and a soda, popcorn or basically the cost of a pizza, once a month.

Now, I am just going to address two issues, Medicaid and Medicare, and then I am going to yield to my colleague from Kansas.

I serve as the chairman of the task force, the working group on the Committee on the Budget overseeing health. We basically served into this process the issue of Medicaid and Medicare.

Medicaid and Medicare collectively are 17.6 percent of our budget. They are

growing, doubling basically every 6 or 7 years. They are becoming so large in their expenditure that they are squeezing out the rest of the budget, so that our domestic discretionary, our defense spending, our international, that appropriated item keeps coming down and down. We even spend, because of our incredible deficits, \$233 billion just on interest on the national debt. But what are we doing with Medicaid and Medicare?

We are going to allow Medicaid to grow with what it is today at \$89 billion to \$124 billion in the seventh year. We are going to spend, we spent in the last 7 years \$444 billion on Medicaid. In the next 7 years we are going to spend \$773 billion. We are spending \$329 billion more in the next 7 years for Medicaid. That is a 73 percent increase in spending over the next 7 years as opposed to the last 7 years. Only in this place, in this city, when you spend so much do people call it a cut.

Now, what are we doing with Medicare? Medicare is where I will end by basic comments and then yield to my colleague from Kansas. Medicare is a plan that I am so excited about. Yet, when I have gone back into my district, I have had people describe to me a plan they think we are voting on that has nothing to do with what we are voting on. I think I am against that plan. What are we doing? We spend \$178 billion today. In the seventh year we are going to spend \$273 billion. That is a 54-percent increase from now until the seventh year.

In the last 7 years we spent \$926 billion. In the next 7 years we are going to spend \$1,600 billion, or \$1.6 trillion. That is \$674 billion of new money in the next 7 years, a 73-percent increase again. But people say, OK, you are spending more, but what about all the new beneficiaries, all the new elderly? Had you added up all the new elderly on a per beneficiary basis, per elderly person, we are going to go from \$4,800 per beneficiary today to \$6,700 per beneficiary in the seventh year, a 40-percent increase. So we are going to spend 40 percent more per beneficiary. Only in this city when you spend 40 percent more per beneficiary do people call it a cut.

We are spending far more than the inflation rate necessary to have an excellent program. What we are going to do is slow the growth of this program. But to do that, we have no increase, we create no new copayment and increase no copayment. We create no new deductible or increase any deductible. The beneficiary premium, part B, stays at 31.5 percent, and the taxpayer pays 68.5 percent. That is the difference, that is what the taxpayers are paying. They will continue to pay 68.5 percent. The beneficiary will continue to pay 31.5 percent. As health care cost go up, that 31.5 percent will mean that beneficiaries from part B will pay an additional amount per month as they have during each of the last 7 years where they have paid more.

Then people say, OK, I see that. I understand that. No increase in deductions. No increase in copayment. My premium stays the same. It does change for one group. If you make over \$100,000 and you are single, you pay all of Medicare part B. If you are married and you make over \$150, you pay all of Medicare part B. You still get Medicare part A as is. That has not changed.

Then the last argument is, the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Kansas [Mr. TIAHRT], can I keep my doctors? Why are you kicking me out of this program? We are not. You can stay in this program. If you want the traditional Medicare Program, this 1960's model fee-for-service program with your doctors, just the way it has gone before, you get to keep that plan.

But if you want to get eyeglass care or dental care or a rebate in your copayment or a rebate in your premium or a no deduction, you will be able to join a host of plans that will be provided giving you this kind of choice.

Concluding my remarks, I get health care from the Federal Government. I pay 28 percent of the cost. The Government and the taxpayers pay 72 percent of the cost. I get choice in my health care plan. My constituents have said, I want choice like you have it. We are allowing Medicare patients to have choice. They can keep what they have or they can get into whole new different programs that are going to be provided which we call MedicarePlus.

I will conclude my comments. I am delighted to yield to my colleague from Kansas who really can show much of what I have said and elaborate on that, but candidly provide new information just illustrating from charts that he has how important it is for us to get our financial house in order.

I intend to be here for part of his dialogue. I might interrupt him on occasion, but I yield to the gentleman from Kansas [Mr. TIAHRT]. I look forward to hearing what he has to say.

Mr. TIAHRT. Mr. Speaker, I think it is very interesting as you were laying out the Contract With America provisions and talking about the balanced budget provision, the Reconciliation Act, that you have got very good reasons why we should support the President's plan, our plan to balance the budget, and why the President should sign the Seven-Year Balanced Budget Reconciliation Act.

Not only are there important points there to sign but also, as you talked about the Contract With America, I want to make the point that it is really capturing the vision that Americans have. There is a passage in Proverbs that says, without a vision, the people perish. I think the people of America have had a vision for a very long time.

For 2 decades they had a vision of a balanced budget, just like this. They sit down at their kitchen table on a weekly or a monthly basis. They balance their budget through their checkbooks, paying their bills, weighing it

with what their income is. So it is their vision that this Government should be balancing its own books.

I think they have had a vision of a retirement plan that is free from worries about health care. So we are in this Reconciliation Act trying to preserve and protect Medicare, as stated so eloquently by the gentleman from Connecticut. I think the people of America have also had a vision of safe streets, of safe schools, of safe America.

I think that provisions that we are putting in, if you look at any yardstick in America today, whether it is drug abuse or illegitimacy or domestic violence or just violence itself, we are failing miserably. I think many of these problems have their roots in our current welfare system that is obviously broke. It is antifamily, it is antiwork, it teaches exactly the wrong thing for a free economy and a system of self-governance.

So I think as we look at this, and the last thing that I want to pick up on what the gentleman from Connecticut [Mr. SHAYS] said was that he talked about some of these tax credits. I think it is very important. I think we are alluding to it, that it is really their money. It is not our money. As was mentioned, the taxpayer is paying for a portion of our health care, it is their money. I think that, if there is a legacy that this Congress can leave behind, it is that it is not the Government's money that we are dealing with. It is the taxpayers' money. It is your money.

In the past, I think the people have felt out of touch with the Congress. Last November 8, almost a year ago to the day, many of us freshman Congressman came in and joined individuals like the gentleman from Connecticut who were in touch with America and saw what their vision was, saw this vision of a balanced budget, preserve Medicare, welfare reform and of tax breaks.

They kind of have sent a message to us. I think we are still hearing it today in our town halls. We are hearing it in the coffee shops, Main Streets. I hear it when I visit manufacturing facilities in the Fourth District of Kansas.

I have brought a chart to kind of illustrate the marching orders that we have been given, this 104th Congress. In this chart it starts out saying, Congress' marching orders. The very first thing is balance the budget in 7 years. I think we cannot emphasize enough how important that is.

I would like to elaborate on it a little more as we go through. Briefly the rest of the marching orders are saving Medicare from bankruptcy, preserving and protecting it, as the gentleman from Connecticut talked about reforming welfare, and again providing tax relief for families and job creation. I think understanding back to this first one, balancing the budget, we really should illustrate it by showing what the real problem is.

I have a chart that illustrates that. It is called The Debt: 1960 to 2000, "Growing Out of Control." On this chart, briefly, it is difficult to see, I know, but it starts out in 1960. It goes to 2000 across the bottom. On the left side it starts at 0 trillion and goes to 7 trillion. As you can see, the red indicates how much Federal debt we have. It stays pretty well below \$1 billion until we get to the middle of the 1980's. At that time when our social programs kind of started spinning out of control, it started to climb until today, this year, we are right at approximately \$5 trillion in Federal debt. We are approaching \$5 trillion.

This is a legacy that we are passing on to our children. I have three children, and my older is 14 years old, Jessica. It has been 25 years since we have balanced this budget. If I look at the next 7 years, that makes her 21 years. If it takes as long to get out of this problem as it did to get into the problem, my daughter will be 53 years old. We have literally passed our problems onto the next generation. I think that we have an obligation, a moral obligation to our children and to this country to see that we have a balanced budget.

Mr. SHAYS. I would just make the point that, even with our 7 years plan, the national debt goes on another trillion dollars. Here we are having people saying we cannot do it in 7 years and that we need to stretch it out. Even then, we are allowing the debt to go up because we are trying to have a glide path where ultimately our expenses, slowing the growth of our expenses runs into revenue. But to me that 7 year balanced budget is the outer limit of what we should be doing.

Mr. TIAHRT. I think the glide path is a good example.

On my next chart, I am showing the difference between the second budget that we received from the administration and what we are looking at with this Reconciliation Act. You can see the glide path. Those who fly, it is very clear. As you approach a runway, you get down to touch down, and that is called the glide path. As you are slowly descending to the runway, this looks to go steeper than I like to land. But it illustrates the point fine. The administration's budget really does not balance over the next 7 years. But the plan that we have before us, in the Reconciliation Act and why it is so important for the President to sign, is that it does get to a balanced budget by the year 2000.

Mr. SHAYS. Just looking at that, the point needs to be made that the Congressional Budget Office has scored the President's budget and said his annual deficits are over \$200 billion during each of the next few years. That blue line just shows how we are going to get those deficits down to zero in the seventh year.

Mr. TIAHRT. As the gentleman pointed out, I want to talk to why we think it is important. Again it goes right back to the children. This chart

says why the Republican Congress is balancing the budget. First, for our children. I have three children, Jessica as I mentioned earlier. I also have two boys, John and Luke. I am worried about their future. The reason I got into politics is because I want to secure a future for them.

Just about a year and a half ago, there was a survey where two-thirds of Americans believed that their children would not have the same opportunity that they had. I think that is a sad statement for a system of self-governance. So we are trying to restore hope for our children so that they have more hope for the future, more opportunities for the future than we had growing up.

Number two, to accelerate long-term economic growth, if we do want to balance long-term economic growth, if we do want to balance the budget, we have to see our economy grow. A balanced budget does do that.

Number three, it reduces long-term interest rates. We will talk a little bit more about the significant impact it has on the American family and on the college students to reduce interest rates.

And to strengthen the financial markets, and again that is tied to number 2. If you hope to have long-term growth, you have to have a strong financial market.

Number five is to raise productivity. Number 6, reduce inflation, very important. And number 7, to strengthen our dollar. We have seen a dramatic slide in the dollar over the last 20 years. It is time for us to strengthen the dollar to keep those strong markets that we have.

I think that this was illustrated again by Alan Greenspan, who is the chairman of the Federal Reserve. I have a chart here that shows some of the things that he named as the benefits of balancing the budget. They are significantly common to what the Republicans are trying to do.

Number one, he says that the children will have the higher standards of living than their parents. We are talking once again about restoring the hope for our children. I want to pass on a legacy to my children so that they will have more opportunities, a better future than I had growing up. I have had some wonderful opportunities.

So I agree with Alan Greenspan, the chairman of the Federal Reserve.

Number two, improvement in the purchasing power of incomes. We have seen a dramatic slide. I think the working man has been hit the worst. Inflation and loss of purchasing power has really hit them in the pocketbook. It has made it difficult.

□ 1700

And I think that is quite often why we see two-income families now, because if you look at the taxes that we have here at the Federal Government, which is about 25 percent of the income, you add in the State taxes, local taxes, hidden taxes. When I think about the wheat farmers in Kansas and

how they start to pay taxes on their land, and some of their equipment, and their parts, sales taxes, how they are tied in there, that the wheat goes to the miller to make flour, and then to the baker to make bread, and then to the grocer to be distributed, and there is taxes that are hidden in there, and by the time you add all those up, Americans pay more than 50 percent of their income to taxes. So it is no wonder we have two incomes. One person works just to pay the taxes while the other one tries to provide something for their family.

So we are trying to improve their purchasing power. Again rising productivity; we have done it with the previous chart; reduction in inflation. We have seen, as you mentioned, double-digit inflation in the past, and we want to keep our inflation rate down. Strengthening of financial markets—and, coming from the chairman of the Federal Reserve, I think that is a significant statement—acceleration of long-term economic growth and a significant drop in long-term interest rates.

Now I think that when you talk about the American families and how this is going to impact them, I have got a chart—

Mr. SHAYS. Before you leave Alan Greenspan, I would just like to mention that he made a point to us in the committee. Some members said, "Well, Mr. Greenspan, isn't there a danger that Congress could cut too much and slow the growth of our economy?"

And he gave a very interesting response. He said to this Congressman—he said, "Congressman, Congressman I don't go to sleep at night fearful that when I wake up the next morning Congress will have cut too much."

His biggest point to us, his biggest point to us was, that, if we balance the Federal budget, interest rates will drop significantly, and I think you have a chart that illustrates the significance of that, if you, for instance, could just explain it.

Mr. TIAHRT. The chart starts out by saying Benefit to an American family of a balanced budget: Annual savings from a 2-percent interest reduction, just a reduction of 2 percent, and again it goes back to Mr. Greenspan saying that, if we would balance the budget, interest rates would drop 2 percent because the Government would not be out there competing for debt, which in turn competes for credit. So this is a 2-percent reduction in interest rates. On the average car loan of \$15,000 it would be an annual savings of \$180. On a student loan of \$11,000, it would be savings annually of \$216. But the biggest-ticket item of course is the mortgage, and right now, about the average mortgage, somewhere around \$100,000. If it was \$100,000, it would be reduced, just by going down 2 interest points, \$2,162 per year, a total annual savings of \$2,558.

And I think that talks about, you know, it reflects restoration of hope, getting more purchasing power for the

dollar. It is a very important issue, that we balance the budget.

Mr. SHAYS. The other point I would just make, that if businesses have less interest to pay on their plant and equipment, they are going to invest more in higher productivity, they are going to build new plant and equipment, create more jobs, and the American worker, the American worker, is going to be more productive. If the American worker is more productive, they are going to get more dollars for what they do.

Mr. TIAHRT. You made a point earlier when you talked about student loans, CHRIS and I just want to follow up on that because I have a chart that has exactly the same numbers that you referred to. We have heard that we are cutting student loans; we heard it just earlier this afternoon; but we are not cutting student loans. This is the estimated annual student loan spending starting in 1995 and going to the next year's budget. This is in the reconciliation plan, and you can see it is an increase. It starts at \$24.5 billion and it goes up to \$36.4 billion by the year 2002.

Now I do want to make one point, that we are going to take away some of the subsidies on interest payments for students once they graduate. There used to be a period of 6 months from the time they graduated until they made their first payment that the Government picked up those interest payments, but we do think people should work, and we want to encourage them to get into the work force and be productive, so we are not going to subsidize those, and it is going to mean about \$7 or \$8 a month, which we do not think is a significant fee.

Mr. SHAYS. That is for the student who has borrowed the maximum of \$17,000, and there still will be the grace period. We defer the payment on that interest and allow them to amortize it over the course of their entire loan.

Mr. TIAHRT. When we talked about a student loan—I am glad you pointed out the maximum amount of \$17,000—but I am going to go back to \$11,000 student loan just to match my chart here.

A 2-percent interest reduction, which is \$2,167 over the life of \$11,000 student loan; you know, there is a big current 8-percent interest rate. It is going to cost for that \$11,000 loan \$18,574 by a simple reduction of 2 percentage points. This is why it is so important, even for the student. It goes down to \$16,411.

So now we are increasing spending. I do not want to confuse this because we are increasing spending for each student, as we mentioned on this chart, going from \$24.5 billion to \$36.4 billion.

Mr. SHAYS. If I can just qualify that and make the point that no student is going to be allowed a student loan. They are going to get their student loans. What we do with this increased money is allow for more student loans. So we are going to go from about

6,700,000 in the 5th year, which is that \$33 billion. There are going to be 8,400 students getting student loans.

So more students are going to get student loans, and that is why this number goes up. There is going to be a lot more money in this system.

Mr. TIAHRT. More money in the system, student loans are going up, but for the individual student himself, for the one who is going to make the payments after he has received his education, if we can just lower his interest rate 2 percent, we can save that person some money, that American, that person with a vision for the future.

Mr. SHAYS. Significantly less more money.

Mr. TIAHRT. It goes from again \$18,578 down to \$16,411, a savings of \$2,167.

Now we are—I want to talk next about how the balance budget will lower interest rates, and in this chart here I think that we have talked—we have heard a lot about cuts, cuts here and cuts that, but in balancing the budget over the next 7 years we are still going to increase spending, and I brought a chart to illustrate that. And I think there has been kind of a misconception that is nothing but cuts, cuts, cuts. There really are not any cuts. We are really slowing the growth of Government, is what we are doing. We are slowing the growth of Government, not cutting. There are some true cuts like in defense, on outlays. Our outlays last year for fiscal year 1995, for defense was \$276 billion. This year, fiscal year 1996, is going to be \$267 billion in outlays. So there are some cuts, in defense for example, but overall Government, if you look between 1989 and 1995, we spent \$9.5 trillion, and looking forward over the next 7 years, 1996 to 2002, we are going to increase spending to \$12.1 trillion.

Now, if we did not do anything, if we did not try to balance the budget, and progressed, for example, on the President's plan, we would be spending \$13.3 trillion, so what we are doing is limiting the size of growth in the Federal Government, and I think that is one of the things that is very important.

Mr. SHAYS. I would just like to elaborate on this. I mean the significant point is that in overall spending of the Government and the taxpayer we are going to spend \$12.1 trillion in the next 7 years. We could, if we did nothing, like President Clinton basically advocated in his February budget and his budget of 2 years ago, we would go to \$13.3 trillion. What we are trying to do is slow the growth so ultimately spending will intersect with revenue in that 7th year, and I just make the point that I want to elaborate a little bit about we made some cuts, and we are proud of some of the cuts that we have made. We slowed the growth in other programs, and our disagreement with our colleagues on the other side of the aisle is sometimes they call a cut a cut when the spending is going to go up significantly, and that is where we dis-

agree with them. It is true we have a cut in foreign aid. We cut foreign aid. We are going to spend less dollars next year than we spend this year. That is a cut. I am willing to take the heat for that, but we did not cut EITC, we did not cut Medicare, we did not cut Medicaid, we did not cut the School Lunch Program, we did not cut the Student Loan Program and so on. A lot of the entitlements will still be allowed to grow.

Mr. TIAHRT. Those are excellent points, and I want to talk just briefly about one of the areas that we did cut just as an illustration.

We are going to dismantle the Department of Commerce and save, I believe, about \$3 billion, and this chart kind of symbolizes how we are going to do it. Basically what we are doing is we are eliminating duplication inside the Government. We are trying to do away with any waste, if we can find it, and then we are getting rid of some of the unnecessary bureaucracy, but you can see some of these areas, like the National Institute of Science and Technology, is going to be consolidated along without others, some of them like technical policy are going to be eliminated, so through a process of consolidation and elimination we are going to get rid of the waste, we are going to get rid of any abuse, we are going to consolidate part of the bureaucracy, and that is part of the cuts that I think are good, commonsense cuts that people do in their everyday lives when they have to limit their growth.

Mr. SHAYS. One of the points that I love about what we are doing with the Commerce Department, we are going to take all the trade functions and put them under one category because we do believe that a significant part of our economic growth is going to be the products that we export overseas. So we are going to consolidate our Trade Representative and all the trade functions within the Commerce Department under the Trade Representative. Makes a lot more sense, it seems to me, to do it that way.

Mr. TIAHRT. This is one of the items that was in the Seven-Year Balanced Budget Reconciliation Act that we hope the President will sign. Next year we are going to look at some other agencies like the Department of Energy and see if there is some duplication we can reduce. I think that the balanced budget is, again, restoring the vision of the American people, trying to get government to conform with the way they live their lives, and I think if we are successful in doing this, we will help fulfill the promises that the American people want from Washington, DC, not necessarily from a Republican, or from a Democrat, or from the administration, but from all of us here in Washington, DC.

That brings us to the second point that I think we want to talk about because we have heard so much about the cuts in Medicare. I first want to em-

phasize the point that we have a problem with Medicare, and it was emphasized on April 3, 1995. The top of this chart says the conclusion of the Medicare trustees. The quote here is, and it is right out of their report—

Mr. SHAYS. Will the gentleman slow down a little bit? This is really important, and we have time to really make sure that we are making this point clear.

Mr. TIAHRT. OK. I guess I am getting just a little bit excited.

Mr. SHAYS. Yes, there is plenty to talk about, but this is very important.

Mr. TIAHRT. The President's board of trustees for Social Security and Medicare issued this report. We have duplicated three of the signatures. There are other signatures there, but these are the Members from the President's Cabinet. This report talked to us about the impending crisis in Medicare. It says the present financial schedule for Medicare programs is sufficient to insure that payments and benefits only over the next 7 years, and I have a second chart that will kind of help illustrate how Medicare is in fact—

Mr. SHAYS. This is the President's own Cabinet that said this in addition to the head of the Social Security trust fund, basically saying that Medicare becomes insolvent next year, and then what happens?

Mr. TIAHRT. This chart illustrates that, as the gentleman from Connecticut is pointing out. The part A trust fund is going to be empty in 2002; in other words, it is going to be bankrupt. This chart is in billions of dollars on the left-hand side, it has zero in the middle, the bottom being minus 150 billion, the top being 150 billion, which is approximately where the fund is today, and over the next 7 years you can see this red line goes down until it crosses zero, and in 2002 we actually would achieve bankruptcy if we do not do anything to preserve and protect Medicare.

Mr. SHAYS. I wonder if I could just point out what those numbers are in the trust fund in 1995 there is \$136 billion. It only drops a billion next year to 135, but in 1997, it goes to 129, then it goes to 117, then it goes to 98. In the year 2000, it goes to 72; in the year 2001 it drops 37, and then in the year 2002 it will have a minus 7 billion. That is the fund that pays for all the hospital care. And then the only way that if we do not save this fund from bankruptcy the only way hospital care will be taken care of is, as the payroll tax brings in money it immediately is grabbed out, but there is not enough to pay for all the costs of the Medicare part A trust fund needs of hospital care.

Mr. TIAHRT. I have a chart here to illustrate how spending is going to increase in Medicare and still save what is going to be a bankrupt fund if we do not do something about it. We have heard, and the reason I bring this chart I think is important to note and we have heard it here on the floor this

afternoon, that there are cuts in the Medicare program of \$270 billion. This is something that has been spread, I think, nationwide. I have heard it in some of my town meetings, and so I go to great pains to try to explain to people how we are increasing spending in Medicare and still going to make the funds solvent, as the gentleman from Connecticut [Mr. SHAYS] has pointed out.

□ 1715

This chart says "Medicare spending per recipient in the Republican budget." It starts out here in 1995 with \$4,816, and then projected over the next 7 years we will be spending \$6,734. I think you made a very good point when you were speaking earlier. You said there will be more people in the Medicare system in 2002, more people in the system, and they will be receiving more financial benefits and still make the system solvent.

Mr. SHAYS. It is really amazing when we think about it. We have taken a program that will have \$4,800 per beneficiary and in the 7th year they will have \$6,700 per beneficiary, so that takes into consideration all the new people in the system, more than we need even to deal with the basic inflation. Yet people, and you have it right at the bottom of your chart, where is the cut? Where is the cut? Where is the cut?

Mr. TIAHRT. To try to make it a little more understandable, if you were a baseball player, maybe you could understand it if we put 48 baseballs in one basket and in another basket we put 67 baseballs, and ask them, "Which basket has more balls?" I think they would say the one with 67 baseballs in it has more. That would be an increase, would it not?

Mr. SHAYS. Yes, it sure would.

Mr. TIAHRT. Like a golfer. If you had 48 golf balls in one cart and 67 golf balls in the other cart, is that an increase or decrease in golf balls? It is very simple.

I want to emphasize this, I would say to the gentleman from Connecticut, because I think what is important here is that we have heard so much about cuts. We are starting to see a widening gap in credibility. There are no cuts. As this chart says: "Where is the cut?"

Mr. SHAYS. Mr. Speaker, does the gentleman have another chart on Medicare? I would love to just make the point by saying we save money in the program by doing a host of things, but one of the things we do, we provide that health care fraud will now be a Federal offense, and not just Medicare frauds, but Medicaid fraud and other not private health care fraud will be a Federal offense, and we are going to go after the extraordinary waste in the system.

Do you know that in Medicare, I would just make the point, when we look at what HCFA, who runs this program, is able to do, believe it or not, HCFA cannot tell you what hospitals

were given what money a month after the fact, 2 months after the fact. They cannot tell you why the hospitals were given certain sums of money.

Home Depot, on the other hand, when they open their store at 6 o'clock in the morning, at 9 o'clock in the morning they can tell you what products sold in their store from 6 to 8:59. They have already started to reorder their inventory.

There is extraordinary waste, fraud, and abuse in this system. I have men tell me that they have been sent bills for giving birth. I have women tell me that they have been charged for operating that are not humanly possible on a woman. We have had story after story of how people can abuse this system, and we are, for the first time, going to be in a very focused way getting at the waste, fraud, and abuse in this system.

That is where we get some of the savings. We get some of the savings by the fact that people will opt into private care, which is far more efficient, and will provide a better service for a lower cost. So the actual beneficiary, though, pays no more in copayment, no more in deduction. The premium stays the same, unless you are very affluent. You can stay in your fee-for-service system, and if you want, and only if you want, you can leave. If you leave and you do not like it, for the first 2 years you can go back every month into your old fee-for-service system. Only in the 3d year are you locked into that program for a whole year.

Mr. TIAHRT. I think you make a good point, that if you just do absolutely nothing and you are a senior, your Medicare benefits will continue as they were before, but if you choose to move into a managed care plan, another type of plan, then it is your selection, it is your alternative, it is your choice.

I think that is a very important difference between what we saw with the old Medicare plan, which was a 1960's Blue Cross-Blue Shield plan that has been frozen in time for 30 years, the rest of health care increasing, maturing, developing for 30 years. Now we are just trying to bring Medicare up to date, allow some options. But if a senior, again, chooses not to do a thing, they will stay in the current Medicare program.

Mr. SHAYS. If they stay in the current system they cannot be removed. In other words, they can only be changed into private care if they proactively ask to. It is not like the telephone, where you find yourself switched. You can stay right where you are.

Mr. TIAHRT. I want to talk about one of the visions I think the American public had, and that is reforming our welfare system. We have heard a lot about it in the campaigns for the last dozen years. Now we have a plan that is in our 7-year Balanced Budget Reconciliation Act. This is, again, another reason why we think the President should sign this bill into law.

In welfare reform, I think we have been kind of attacked in saying that we are cutting spending for welfare. If you look at the chart I have brought, it talks about welfare reform the last 7 years compared to the next 7 years. On the left side here we have spending which is in billions, and across the bottom we have three columns. The first is 1989 to 1995, or in other words, the last 7 years. That is \$492 billion, which is a lot, half a trillion, a lot of money. The next 7 years we are going to increase that \$346 billion over what we did in the first column of 1989 to 1995. So from 1996 to 2002 we are going to increase spending.

If we did nothing and took current projections, we would spend up to \$949 billion, but by moving block grants on welfare to the States and trying to get the solution closer to the problem, we are going to save some money over the next 7 years.

I just have to tell you one story about a lady that I talked with in Wichita, KS. She works for the Social Rehabilitation Services, which is how welfare is conducted, the agency that conducts welfare in the State of Kansas.

She said, "I am very concerned about block grants, because how will this Federal guideline be affected and how will that Federal guideline be affected?" I said, "Ma'am, if you could have the autonomy and the authority to take this money that you receive in your budget and apply it to the problem, could you do a better job than what these guidelines say?" And she said, "Oh, absolutely." I said, "That is what we are trying to do. We are trying to move the solution closer to the problem and give that worker in Wichita, Kansas, the autonomy and the authority to meet the problem, the funding to meet the problem."

Mr. SHAYS. I would love to weigh in on this. I represent an urban area, I think I am one of the probably few Republicans that represents an urban district. I represent Stanford, Norwalk, and the city of Bridgeport. The city of Bridgeport—a few years ago—attempted to go bankrupt and, candidly, it is getting itself back in line and getting its financial house back in order as well. As someone who has been involved in government and has voted for a lot of welfare programs, I have had to ask myself, what have I done?

This is what I look at and see. I see 12-year-olds having babies, I see 14-year-olds selling drugs, 14-year-olds. I see 15-year-olds killing each other. I see 18-year-olds who cannot read their diplomas. I see 24-year-olds who have never had a job, or if they had a job, say, at McDonald's, they would say it was a deadend job. If I ever said that to my dad, he would say, "Son, how many hours are you working?" and if I said "Dad, I am working 10 hours," he would have said "It just increased to 15," because he knew the value of waking up in the morning, earning my

keep, and being of service, being useful to society in a very proactive way.

Then I think of my 80-year old grandparents. We have created a legacy that has to change. We have to be willing to confront how we have voted in the past, how we can change it.

I want to be part of a caring society. We have been a caretaking society. In the process of being a caretaking society, I think we have destroyed generations of young people who now cannot be productive. We have given them the food, we have not taught the how to grow the seed. For our Republican revolution to have a positive impact ultimately, we have got to teach people how to grow the seed. That is what we are trying to do with our welfare reform.

Mr. TIAHRT. Exactly right. Mr. Speaker, I want to tell the gentleman about some of the other things we have. We are going to consolidate some of these programs, 22 current programs to eliminate child abuse, consolidate them, again reducing some of the redundancy, making it more efficient. We are going to consolidate child care programs, increasing the spending to \$2 billion per year, and nutrition programs. I think this is something that the Republicans took an unfair hit on.

We heard last spring that the Republicans were cutting what was going to be spent for children and that they would be starving. I have heard absolutely no reports in the Fourth District of Kansas or anywhere in the Nation that there are kids starving right now. In fact, I was in the Dodge Edison School in Wichita, KS, and saw the lunch program. They are doing very well. They are thinking about contracting it outside. Overall, we are increasing spending for nutrition programs 4.5 percent per year, and over the next 7 years that is going to be a \$1 billion increase. There will be no starving children under this.

Mr. SHAYS. Could I just jump in here under the school lunch program, Mr. Speaker, because we talk in our circles about not ever being school-lunched again. It was the first time we encountered where we were going to increase a program and people called it a cut. Instead of it growing 5.2 percent a year, we allow it to grow 4.5 percent a year.

But we do something very important. We allow the local communities to adjust 20 percent of the cost, because a lot of wealthy communities get 30 cents per child. We are going to allow States to say wealthy communities maybe should not get that, and a poorer city, maybe like Bridgeport, can have a breakfast program. So we are going to allow States the discretion to focus these programs where they think it is most needed, but they are going up.

Mr. TIAHRT. I want to move on to the last thing. This is talking about the reduction in taxes that we have in the 7-year Balanced Budget Reconciliation Act, and why I think it is impor-

tant to fulfill the vision of the American people, and also to stay on this plan, why the President should stay on it.

The President did say on October 17 in a roomful of people, he said, "The people in the room are still mad about the 1993 budget, and they think I raised their taxes too much." He said, "It might surprise you to know that I think I raised taxes too much, too." I just illustrate a point, because I think what he has captured here is the vision of the American people. We have to go back to the premise that it is not the Government's money, it is the taxpayers' money, it is their money. I think the President has captured that.

When we look at who is going to be benefiting from this family tax credit of \$500 per child, and now this is based on the plan that went out of the House, and because of your committee work, I would say to the gentleman from Connecticut [Mr. SHAYS], I know he has some further information and may want to correct the chart a little.

First I want to say one thing, I heard there was a person who was going to get a \$20,000 break in their taxes, some alleged rich individual. I got to thinking about that. At \$500 per child, he would have had to have had 40 children to get a \$20,000 tax break. I hope that he is wealthy if he has 40 children. But if you look at the plan that we have, 75 percent of the people, 74 percent of the people, who will benefit from this make below \$75,000, and 10 percent only make over \$100,000. So a large majority of the people who will benefit from what is in the current plan are making less, they are not the wealthy people.

Mr. SHAYS. I would love to weigh in on this issue. My parents raised four boys. I was the youngest of four boys born in the mid-1940's. My parents, in today's dollars would have been able to deduct, per child, \$8,200 per child. That is \$32,800 off the bottom line of their income. But a family today can only deduct \$2,500.

What we are trying to do with our family tax credit is give families today the same basic purchasing power, at least get them closer to the kind of purchasing power, that my folks had. I might make this point as well. My parents probably paid less than 12 percent of their total income in Federal, State, and local taxes, maybe 15 percent, Federal, State, and local. A family today pays anywhere from 25 percent to 40 percent, plus, in Federal, State, and local taxes. This eminently makes sense. We may end up where, when we agree with the Senate, that it will apply to any family making less than \$100,000. So then what you will have, you will have it focused primarily on those with the most need.

Mr. TIAHRT. I am not here to defend the rich, because that has been kind of the premise of the argument, is that the rich are getting the tax break. I really do not think that is true at all.

Mr. SHAYS. That is not true, to start with.

Mr. TIAHRT. No. 1, it is not true, and No. 2, it is not fair. But I want to say one thing, I received some information, it was published in Human Events, on page 9 of their November 3 issue. It says that the top 29 percent of individuals who pay income taxes, they pay \$4 out of every \$5 that is paid into the Federal Government in the form of taxes.

The top 25 percent, which a lot of people think that is the wealthiest people, and they should be paying \$4 out of \$5 in taxes. But let me tell you where the top 25 percent hits. That is everyone who makes \$41,000 or above. If you make \$41,000, I do not consider you rich. In fact, to get to the top 5 percent, you go up to \$87,000. There is some question there, if people are well off at \$87,000, but the bottom 50 percent of individuals who pay Federal income taxes only pay 5 percent of the tax burden. That is \$1 out of every \$20 that comes into the Government. Really, that is what this per-child tax credit is designed to hit, that bottom 50 percent. It will mean the most to them. They need the break.

I think about my brother-in-law who is currently on strike, an employee at the Boeing Co. They are on strike. He has three boys. I want him to know there is \$1,500 available for him next year to catch up from the strike. It may go on through the rest of the year.

Mr. SHAYS. What it is is a tax credit. In other words, the taxes he paid, he will get \$1,500 back in taxes he paid.

Mr. TIAHRT. That is exactly right. That makes a very good point.

I want to go back to the point the gentleman made earlier about the earned income tax credit, because we heard that we were dramatically cutting and trying to balance the budget on the backs of the poor people. If you look at the last 7 years, how much spending there has been in the earned income tax credit, it was \$71 billion. We are going to increase that, under this plan that we hope that the President will sign, we are going to increase it to \$173 billion.

□ 1730

Now, that is a very big increase, a 144 percent increase. So we are not balancing the budget on the backs of the poor.

I want to talk a little bit about where the cuts are coming from, because they are not coming from Medicare, they are not coming from Medicaid, they are not coming from nutrition, they are not coming from the earned income tax credit.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, it is because we are spending more money in all of those areas.

Mr. TIAHRT. Mr. Speaker, that is absolutely right, and a very good point. We are spending more money in all of those areas.

These are where the cuts are going to come from, the tax cuts, and they are already paid for; I want to emphasize

that, they are already paid for. We have made \$151 billion worth of cuts in the discretionary spending.

Mr. SHAYS. Mr. Speaker, if the gentleman would further yield so that I could just elaborate, that is what we do in our appropriations votes, when we vote out our appropriations bills to fund the Treasury Department or to fund HUD or any of these other programs, we reduce the amount of money that we are allowing these departments to have.

Mr. TIAHRT. Mr. Speaker, we are just trying to run government more effectively.

The next one is by consolidating. We went through some of the programs and we are consolidating and reducing some of the growths through block grants to the States, and we are going to reduce our welfare through welfare reform \$89 billion; through reform in the Federal workplace and retirement, we are going to reform that \$10 billion.

We are going to save, by extending the spectrum, when we auction off different wave lengths for radio and television, we are going to see a tax cut paid for with \$15 billion from extending the spectrum auction. We are going to sell off some of the raw resources we have. The uranium enrichment privatization plan is going to save \$1.7 billion.

Our total spending cuts are \$268.3 billion, if we add all of that up, and what are our tax cuts? Our tax cuts are \$245 billion.

Mr. SHAYS. Mr. Speaker, I don't see anywhere in there, any savings in Medicare or Medicaid that contributed to the tax cuts. The tax cuts were funded, taken care of before we ever voted on Medicaid or Medicare.

Mr. TIAHRT. Mr. Speaker, the gentleman from Connecticut [Mr. SHAYS] makes a very good point. It is totally unrelated, and it addresses the credibility gap that we have seen widening.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, we have about 3 more minutes, and I want to make sure that the gentleman is able to finish up on those issues that are important to him.

Mr. TIAHRT. Mr. Speaker, I want to quote my Uncle John Armstrong. He said, "If you want something bad enough, any excuse to get it is a good excuse."

I think about how we have had a shift in power and we have seen some of the top switch and we have had kind of a problem or a widening in the credibility gap. They said we are cutting student loans; they are going up. They have said that we are cutting Medicare; we are increasing spending. The income tax credit, we just talked about that. Nutrition programs, we just talked about that.

What we are talking about, though, is restoring the vision of the American people. That is why I believe that the President should sign the Seven-Year Balanced Budget Reconciliation Act. That is why I think the American people want him to do that.

Mr. Speaker, if my colleagues would look at the provisions inside the bill, it encapsulates the visions of America, to having a balanced budget to secure hope for the future for their children, to preserve and protect Medicare, to reform welfare, and to give the tax breaks to the kids so that the parents can spend the money on them rather than the government. I think that restores the vision that the American public holds. So I hope that the President will sign the bill.

Mr. SHAYS. Mr. Speaker, I would like to thank the gentleman from Kansas [Mr. TIAHRT] for joining me in this effort, and I have learned a lot from his charts.

I would like to say that I have never been more proud to be part of a new majority than this Republican majority that candidly is trying to take on getting our financial house in order, balancing our budget, saving our trust funds, particularly Medicare, and transforming the social and corporate welfare state into what has to become an opportunity society. All of the new Members that we have made an incredible difference in this effort. They have been the driving force with some of the sophomore class as well, and it has just been absolutely a thrill to welcome our new Members and it has been a wonderful opportunity for me to share in this essential order, and I thank the gentleman from Kansas for his extraordinary good work, his dedication, and giving us the opportunity to be in the majority.

VACATION OF SPECIAL ORDER

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

U.S. ACCESSION TO SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my deep sense of pride and to share with our colleagues and our great Nation an event of historic importance to the countries of the Pacific region.

On Friday, October 20, at the United Nations, the United States, France, and Great Britain formally announced they have decided to join the South Pacific Nuclear Free Zone Treaty and will complete signing of the protocols to the treaty by mid-1996.

The South Pacific Nuclear Free Zone Treaty, commonly referred to by its acronym "SPNFZ," is known formally as the Treaty of Rarotonga since it was signed by the leaders of the Pacific na-

tions on the island of Rarotonga in the Cook Islands.

The Treaty of Rarotonga came into force in December 1986 after ratification initially by eight countries, thereby establishing the South Pacific nuclear free zone to combat nuclear weapons proliferation and the reckless disposal of nuclear wastes. Today, 11 Pacific Island nations—Australia, the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tuvalu, and Western Samoa—are members of the treaty.

By banning the testing, stationing, manufacturing, and use of nuclear weapons in the zone, the Treaty of Rarotonga is a symbol for the peoples of the South Pacific, expressing their high level of concern regarding nuclear weapons and the possibility of a nuclear disaster in the region. The treaty also prohibits parties from dumping radioactive waste at sea in the treaty zone, and provides for verification safeguards by the International Atomic Energy Agency. The treaty protocols, in addition to the foregoing, require the nuclear weapon states not to use or threaten to use nuclear weapons in the zone or against any South Pacific signatory of the treaty.

Mr. Speaker, the South Pacific nuclear free zone covers a vast area extending from the western coast of Australia and the Papua New Guinea-Indonesia border in the west, along the Equator in the north, to the boundaries of the Latin American nuclear free zone in the east, and the Antarctic nuclear free zone in the south.

I want to express my deepest appreciation and thanks to President Clinton for his decision to support the South Pacific nations in their desire to keep the region safe from nuclear destruction. The President's global leadership on nuclear nonproliferation, along with international outrage over France's resumption of nuclear testing in the Pacific, no doubt influenced France and Britain to join America in this historic development.

Mr. Speaker, the Clinton administration has identified nuclear proliferation as one of the greatest threats to United States and global security. I and many of our colleagues have long argued that to enhance U.S. credibility to build international support for successful extension of the nuclear Non-Proliferation Treaty [NPT] and negotiation of the Comprehensive Test Ban Treaty [CTBT], the administration should join the nuclear-free zone in the Pacific.

Mr. Speaker, since the Rarotonga Treaty took effect over 8 years ago, the island nations have eagerly sought United States support for a nuclear-weapon-free South Pacific. By refusing to sign the treaty, however, the United States was increasingly perceived as indifferent to the aspirations and concerns of our South Pacific allies—many of whom fought at our side during World War I, World War II, the Korean

war, the Vietnam war, and supported United States operations during the cold war. Ironically, while the democratic nuclear powers failed to act, both Russia and China have long been signatories to the treaty protocols.

There was no good reason for America not to support her Pacific allies by joining the Treaty of Rarotonga. The treaty advances United States non-proliferation objectives without undermining United States security policy in the South Pacific, as past administrations have conceded while testifying before Congress. The treaty was carefully drafted, with considerable input from the Reagan administration, to accommodate U.S. interests, including our policy to "neither confirm nor deny" the presence of nuclear weapons or American warships or aircrafts; and it specifically protects free transit through the zone by U.S. vessels and planes carrying nuclear weapons.

The United States already supports nuclear-weapon-free zones around the world, and has signed treaties prohibiting nuclear weapons in Latin America, the Antarctic, the ocean floor, and outer space. Not long ago, the White House lauded Argentina, Chile, and Brazil's entry into the Latin America Nuclear Free Zone Treaty, noting the treaty has been a critical building block for peace and stability in the Western Hemisphere, our backyard, while reinforcing the worldwide non-proliferation movement.

With cessation of the cold war, justification for much of our Nation's past reluctance to join the treaty of Rarotonga has evaporated. The Soviet nuclear threat in the Pacific no longer exists. Instead, the United States and Russia are committed to deep reductions in their nuclear arsenals, the United States has removed tactical nuclear weapons from its surface fleet, and the prospects for a comprehensive test ban treaty are good in 1996.

Mr. Speaker, in this new postcold-war era of lessened nuclear tension, I commend the Clinton administration for heeding the calls for assistance by our Pacific allies by signing the protocols of the South Pacific Nuclear Free Zone Treaty as part of a comprehensive nuclear nonproliferation policy. Joining the treaty of Rarotonga is visible proof of America's commitment to continued progress with the indefinite extension of the NPT and negotiation of a genuine, zero-yield comprehensive test ban treaty.

Mr. Speaker, in welcoming this action we have pursued with three successive administrations, I want to thank and recognize the invaluable bipartisan support of my esteemed colleagues—Representatives JIM LEACH, LEE HAMILTON, BEN GILMAN, GARY ACKERMAN, CHRIS SMITH, HOWARD BERMAN, DOUG BEREUTER, TOM LANTOS, CONNIE MORELLA, RON DELLUMS, JIM McDERMOTT, PETE STARK, MATTHEW MARTINEZ, NEIL ABERCROMBIE, PATSY MINK, and ROBERT UNDERWOOD.

In particular, my former colleagues on the House Asia-Pacific Affairs Sub-

committee, Chairman Stephen Solarz and Representative Bob Lagomarsino, must be recognized for their early and instrumental role in laying the foundation for these historic developments. I would also thank Dr. Zachary Davis, international nuclear policy analyst with the congressional research service, for his excellent service to Congress which greatly assisted the decision for U.S. accession to the South Pacific Nuclear Free Zone Treaty. Last, I would recognize and give credit to Ambassador Winston Lord, Assistant Secretary of State for Asia-Pacific Affairs, for his considerable involvement in the President's decision.

Mr. Speaker, while France has also agreed to accede to the protocols of the Rarotonga Treaty by mid-1996, it is apparent the French Government still intends to carry out its latest series of nuclear bomb detonations in French Polynesia. Clearly, France's accession to SPNFZ is meant to supposedly appease the world community's great outrage and condemnation of their nuclear testing program in the Pacific.

France should be commended for joining the SPNFZ treaty protocols, which clearly entails permanent closure of their testing facilities in Moruroa and Fangataufa atolls. However, this should not be construed as acceptance of a cheap "quid pro quo" that excuses and condones France's continued detonation of nuclear bombs that threaten the welfare of some 28 million men, women, and children of Oceania. If French President Chirac wants to be taken seriously on his commitment to the treaty of Rarotonga, he should terminate immediately all testing.

Mr. Speaker, I would call upon our colleagues and the international community to further increase pressure on France to cease this insane and deplorable and reckless nuclear testing in the Pacific which is inconsistent with the spirit of the South Pacific Nuclear Free Zone Treaty.

Mr. Speaker, there is a little newspaper article that says, the photos show cracks in the nuclear test site. Well, these photos were taken by the famous oceanographer Jacques Cousteau in the testing program or the study that he conducted in 1987.

Mr. Speaker, I submit to my colleagues and to the American people, there are cracks on the Moruroa Atoll and nothing could convince me otherwise. Mr. Speaker, if you have exploded 165 nuclear bombs and there is one atoll in this volcano, something has got to give. The great President Chirac is going to explode six more nuclear bombs on this same atoll and the French are saying, it is OK, everything is all right. Not so, Mr. Speaker. Since 1986 the Jacques Cousteau report indicates cracks of about 9 to 10½ feet wide and several miles long.

□ 1745

Yet, the French military officials continue to deny that this atoll is full

of contamination, nuclear contamination, I submit. It has been estimated that this atoll probably has the equivalence of 10 Chernobyls all packed in this volcano.

Mr. Speaker, I can just imagine if the leaks and the cracks start coming out of this volcano, it is going to go right into the Pacific Ocean. Not only is it going to affect the health and the lives and the safety of some 200,000 people who live in these islands, the 28 million people that live in the Pacific region are going to be affected.

Mr. Speaker, I ask the good people of Japan, in their conscience on a voluntary basis, since we cannot get the governments to agree on this, that on behalf of some 290,000 Japanese men, women, and children who died as a result of nuclear explosions, that maybe they should send a message to France by not purchasing French wine, French products, or goods. That way, President Chirac will get the message that he does not need to explode 6 more nuclear bombs to improve his nuclear mechanism, or whatever trigger he needs to do to provide for his arsenal of nuclear weapons.

Mr. Speaker, what hypocrisy, the height of hypocrisy, that here the most industrialized countries, democratic, that we outlaw germ warfare and chemical and biological warfare and yet it is all right to explode nuclear bombs. I am absolutely at a loss on how we are so very much wanting to get rid of this, and yet we have nuclear bombs ready made and available if that crisis ever comes.

Thank God, we never had to explode one bomb during the cold war. These weapons are ready made and available to kill not one or two people. No, we want to kill them by the hundreds and thousands at a time. That is what nuclear Holocaust means.

Mr. Speaker, the concern these people have living on these islands, all they want to do is live as a people. They would like to fish from the ocean, knowing that the ocean is free of any contamination, especially nuclear at that. That is all they are asking for.

I want to express my sincere appreciation to the chairman of our Asia Pacific Subcommittee on the Committee on International Relations, the gentleman from Nebraska [Mr. BEREUTER] and also the gentleman from California [Mr. BERMAN] the ranking member. We are going to hold a hearing on this issue next week, and we are going to find out exactly what the situation is, because the United States is also a Pacific State.

This is what bears the slight difference that we have here, Mr. Speaker. France is 14,000 miles away from the Pacific. France is not a Pacific State. We have got these States like California, Oregon, and Washington State right along the Pacific coast. Also the State of Hawaii. I sure hope to God

that this will never happen, but there have been estimates made to the effect that if there is to be leakages and contamination coming out of this volcano that the French have been exploding nuclear bombs in for the past 20 years, and if these leakages should come out it would affect the lives of American citizens living in the territories of American Samoa, Guam, and how about the State of Hawaii or California, or maybe even Oregon and Washington?

Mr. Speaker, the Humboldt Current does not stand still. It tends to move. We do not live in a stagnant pool of water. The Pacific Ocean is constantly moving. There are earthquakes and tidal waves. Any time there is something going on underneath there, we have these disasters.

I would venture to say, Mr. Speaker, that these atomic bomb explosions that the French Government continues to do in the Pacific will definitely have a tremendous impact on the lives of the people that live in the Pacific.

So, while President Chirac, as I have said this before and I will say it again, while President Chirac is sitting in his palace in Paris drinking his sweet French wine, we the people in the Pacific are going to be catching hell from this volcano that is the equivalent of several Chernobyls in there. That is not a comforting thought for people of the Pacific who have been given this kind of present from President Chirac who lives 14,000 miles away from the Pacific.

Mr. Speaker, I would sincerely hope that our President and the Congress would seriously look at this situation and not take for granted the disaster that we could be facing with this atoll, this volcanic atoll that is already as full of contamination, of nuclear contamination.

I know that passively we say it is all right. It is thousands of miles away. Mr. Speaker, I submit that it is not too far away if that volcano does start to crack and there are leakages, contamination coming out of there, and it gets into the life cycle, gets into the plankton, the fish, and all forms of marine life.

We are the ones who are going to be the recipients of something that I do not even want to describe. I sincerely hope that President Chirac will seriously look at the seriousness of the problem of exploding six more nuclear bombs.

I understand quite imminently President Chirac is going to explode another nuclear bomb in the South Pacific, despite the outrage of 160 countries in the world; despite the fact that 60 percent of the people in France do not want him to conduct nuclear testing.

Perhaps he should pay a little more attention to the unemployment problem that he is facing in France. Perhaps he should be paying a little more attention to the problems in Algeria, rather than looking at doing more harm by conducting this insane practice of exploding more nuclear bombs,

putting at risk the safety and the lives and the health of the people in the Pacific. I think it is absolute arrogance on the part of President Chirac to do this and I think he should stop.

Mr. Speaker, I submit the following for the RECORD:

[From the Honolulu Advertiser, Oct. 12, 1995]

PHOTOS SHOW CRACKS UNDER N-TEST SITE
FRANCE DENIES FISSURES EXIST BENEATH
ATOLL

PARIS.—Raising new questions about the safety of French nuclear tests, a newspaper published photos yesterday that it says show cracks in one of the South Pacific atolls where the underground explosions took place.

Ouest-France said the photos contradict government claims that the tests caused no damage to Mururoa Atoll in French Polynesia.

Critics say the nuclear tests could cause the atoll to break apart, spewing radioactivity into the water and air in what many consider to be one of the world's last paradises.

The government denied a similar report last week in the respected daily *Le Monde*.

Ouest-France said the photos were taken in 1987 and 1988 by a diver several dozen yards under the Mururoa Lagoon. The cracks are about 9 to 10½ feet wide and several miles long, the newspaper said.

It did not reveal the photographer's identity or say who he was working for.

Normally only military personnel and scientists working on the French nuclear program have access to the isolated atoll, 750 miles southeast of Tahiti.

After the *Le Monde* report, French Foreign Minister Herve de Charette told the National Assembly that "no crack of any sort has ever been discovered" on the atoll.

French Atomic Energy Commission experts said some fractures were created by the first tests carried out directly under Mururoa's reef. But they said there had been no further cracks since tests were moved to the middle of the lagoon.

France has exploded two nuclear devices in the South Pacific since President Jacques Chirac announced the resumption of the nuclear testing last June after a three-year moratorium.

[From the Honolulu Advertiser, Oct. 14, 1995]

NOBEL PEACE WINNER ATTACKS N-TESTS

LONDON.—In the New Mexico desert during World War II, young Polish physicist Joseph Rotblat worked on the Manhattan Project that built the first atomic bomb. Ever since, he has campaigned tirelessly and often controversially to keep the genie of mass destruction from escaping again.

Yesterday, Rotblat and the loose association of maverick scientists he heads divided the \$1 million 1995 Nobel Peace Prize.

At a news conference in London, the 86-year-old Rotblat lost no time in launching a new attack on the French and Chinese, calling their recent nuclear tests outrageous.

He said French President Jacques Chirac had begun a series of tests in the South Pacific "because he is a true Gaullist, and he learned from Gen. (Charles) de Gaulle that a sign of greatness is to have nuclear weapons."

Asked what message he would give to Chirac, he said: "Stop being a Gaullist, and try being a human being. I hope he will perhaps have one more test and then stop."

Meanwhile, he said, protests against the tests should continue. He said he hoped the award would be "a message not only to the French but to the Chinese as well."

The Norwegian Nobel Committee saluted Rotblat, a British subject since 1946, and the

Pugwash Conferences on Science and World Affairs for their efforts "to diminish the part played by nuclear arms in international politics and in the longer run to eliminate such arms."

"I hope the recognition will help other scientists to recognize their social responsibility," said Rotblat.

Rotblat, professor emeritus of physics at the University of London, fled to England as a refugee after losing his wife in the Holocaust. He worked on developing the atomic bomb with American scientists at Los Alamos, N.M., but quit the project late in the war, believing that defeat-bound Germany had scrapped its own atomic plans. "The only reason I started in 1939 was to stop Hitler using it against us," Rotblat said.

He said he was devastated when the United States dropped bombs on Hiroshima and Nagasaki. "The whole idea of making the bomb by us was that it should not be used."

[From the New York Times, Oct. 11, 1995]

A DAY OF DISCONTENT IN FRANCE AS PUBLIC
EMPLOYEES STRIKE

(By Craig R. Whitney)

PARIS, Oct. 10.—Trains ran sporadically or not at all, buses and subways limped, garbage rotted uncollected and 20-mile traffic jams clogged highways across France today as more than half of the five million public-sector employees went on a one-day strike.

The strike was against a Government budget to freeze state payrolls next year as part of a plan to cut a swollen deficit.

Prime Minister Alain Juppé has pledged to cut the Government deficit in half by 1997 as he will have to do under the terms of a European Union treaty if France is to qualify to join a common European currency by the end of the century. So far only Germany appears likely to meet all the terms, and currency speculators who doubted France could meet its targets drove the value of the franc down against the German mark in recent trading until the French national bank took action to support it on Monday.

"We want to make the Government rescind the freeze," said Jean-René Masson, one of tens of thousands of union-led demonstrators who marched through Paris today in protest, part of the biggest national manifestation of discontent since the mid-1980's.

Mr. Masson seemed to think it would have the desired effect. "After 1996, we'll be in a pre-election period again, and I would be very much surprised if the Government didn't give us all a raise then anyway," he said.

The Government's main problem is one all continental Western European countries have: How to keep the comfortable post-World War II welfare state routines of annual raises above the rate of inflation, unlimited health insurance and unemployment benefits, and state-supported pension systems from throttling the economic competitiveness they need to create jobs and stay prosperous in the 21st century.

Despite the inconvenience of today's strike, more French taxpayers seemed to want the Government off the strikers' backs than off their own. One national public opinion poll published in *Le Parisien* showing 57 percent of the sample supporting the public employees in their battle with the Government. Another poll showed 47 percent supporting the strikers.

For Mr. Juppé, the lesson of all this may have been to make sure you've tightened your own belt before you tell other people to tighten theirs.

Prosecutors are now considering whether to charge him with malfeasance for obtaining below-market leases on city-owned

apartments in choice Paris neighborhoods for himself and his son when he was Deputy Mayor of Paris in charge of supervising city public housing for Mayor Jacques Chirac in the early 1990's. Mr. Chirac became President and named Mr. Juppé Prime Minister in May.

Mr. Juppé denied any wrongdoing and dismissed rumors that he planned to resign, but he announced last Friday night that he and his children would soon vacate their bargain apartments.

Mr. Juppé announced his plan for a general wage freeze for Government employees on Sept. 1, after rejecting a call by his first Finance Minister, Alain Madelin, to take a look at the pension benefits for public servants, which can amount to up to 96 percent of their basic salaries.

The system was breaking even in 1993 and will require \$14.2 billion from Government coffers this year. But laying a hand on it has long been taboo and so Mr. Madelin handed in his resignation on Aug. 25 and was replaced by Jean Arthuis. "It's not by deploring social gains that we will bring about conditions for greater solidarity," Mr. Juppé said then.

He later proposed a budget that raised general sales taxes on most goods and services to 20.6 percent, and promised to hold the deficit to 5 percent of Gross Domestic Product this year, with a target of less than 3 percent in 1997.

The 25-nation Organization for Economic Cooperation and Development commented in a study of the French economy last month: "Additional measures, especially in terms of continuing health care reform, are likely to be needed in order to achieve the assumed expenditure restraint. There is a clear need to pursue reforms of the social security system vigorously."

Now, doubts persist whether either Mr. Chirac or Mr. Juppé has the nerve to continue telling the French that they have to wean themselves from what the Government and business leaders call excesses of the comprehensive European welfare state.

For a President and a Government who came to office pledging to reduce France's chronically high unemployment rate—now 11.5 percent—by cutting back Government spending and reducing the burdens that state-run social security and health insurance systems impose on employers, the power of today's strike and the public reaction to it were not good omens. Advisers to Mr. Chirac say that he is worried about the possibility of an outburst of social unrest like the 1968 riots that doomed his mentor, Charles de Gaulle. Mr. Chirac was Prime Minister during the last big wave of student demonstrations, in 1986.

Students and school administrators made up a good deal of a four-hour parade of strikers that wound its way across Paris today from the Place de la Bastille, site of the prison destroyed in the French Revolution, to the Church of St. Augustin.

Mr. Masson, the labor protester, said that French unions were willing to talk with the Government about reducing working hours. "We're even ready to discuss salaries with them," he said. But he expressed horror at the idea that five to six weeks; annual vacation for beginning employees might not be sacrosanct, in a country where the first week of August is normally referred to as "the departure" and the last week of that month as "the return."

"Vacations are untouchable," he said.

[From the Honolulu Advertiser, Oct. 12, 1995]
A HOSTAGE TO NUCLEAR TESTING

(By Carl T.C. Gutierrez)

AGANA, GUAM.—Why is France testing its nuclear devices under an obscure atoll half-

way around the world from Paris? Because it can.

France can put the lives of its Polynesian people in jeopardy because it is a colonial power with absolute control over the approximately 200,000 French citizens living in the South Pacific paradise. If the heat gets too bad in French Polynesia, France need only look to another of its colonies, New Caledonia, for another area to explode nuclear devices that the people of Paris would never allow to be detonated anywhere close to their city.

The nuclear testing actually highlights two real problems that need real solutions: (1) As President Clinton has proposed, there should be an immediate and absolute ban on all nuclear testing, and (2) there should be another cry, just as loud, for an end to absolute colonial control by superpowers over the islands they possess.

Nuclear testing is not a horror being practiced only by France. China has also exploded devices, but these tests did not receive the worldwide outcry the French Polynesian explosion prompted.

The issue of the superpowers using their colonies for their own interests deserves equal billing with the nuclear issue. No matter how much "paradise" you put into the equation, use and misuse of island possessions by colonial powers is still a violation of basic human rights.

I am the governor of an American colony: Guam. We, like the people of French Polynesia, have a great deal of our lives controlled by our governing "benefactors." Unlike the Tahitians, we do not have to deal with the billion-year "half-life" of nuclear testing. But we could. The people of Guam live every day with the realization that important decisions affecting their lives are made in Washington. Laws on shipping, endangered species, "land grabs," immigration inundation and the exploitation of our waters are all decisions in which we cannot participate. In fact, these decisions are made for us without any semblance of a democratic process.

Our people have asked Congress to hold hearings on our political status. We have had a Commonwealth Draft Act begging for attention for nearly a decade but have yet to have our day in Congress. President Clinton has shown his support for Guam by appointing a series of commonwealth negotiators to review the draft act and submit a position to the president. We hope Congress will show the same kind of commitment to the American citizens living in Guam by listening to our pleas for a voice in how our islands will be governed.

Two hundred and nineteen years ago, the people living in the British colony of America threw off the yoke of imperial rule. After nearly 100 years of colonial rule by the United States, Guam is asking for the same rights the Founding Fathers of the United States demanded. It is the basic right of all people to have a say in how their lives, and the lives of their children, are lived.

[From the Samoa News, Oct. 30, 1995]

WORLD CONDEMNS FRANCE'S LATEST NUCLEAR BOMB TEST

PARIS.—Denouncing France's latest nuclear test, Greenpeace activists swamped the main post office Saturday with tons of petitions addressed to President Jacques Chirac.

Worldwide, nations harshly condemned the underground blast Friday on Mururoa Atoll in French Polynesia—France's third nuclear test in a series that began in September. The day before the blast, Chirac said there probably would be six tests in all—scaled down from eight originally planned.

In Paris, a group of about 50 Greenpeace activists took the city's main post office near the Louvre by surprise Saturday—de-

positing what the group said was two and a half tons of protest petitions with 7 million signatures. The packages of letters, sent by registered mail, were all addressed to Chirac at the Elysee Palace.

The hundreds of packages amounted to a huge headache for postal workers, who must process the mail free of charge. In France, no postage fees are required for letters to the president.

"We expected Chirac to finally listen to the world protest. Apparently he is deaf to that, so we condemned it and here behind me are 7 million witnesses who are, together with us, very angry," said Greenpeace spokeswoman Françoise Verdeuzeldonk, from the group's Dutch office.

Police had prevented Greenpeace activists from delivering some of the petitions to Chirac's office in September, so the group decided to dump it all at the post office—thus guaranteeing they would reach the Elysee Palace.

As police looked on Saturday, the activists unloaded the packages from six cars and a van and brought them into the post office, where officials scrambled to accommodate the mountains of mail by opening a special booth.

The signatures were collected in about 30 countries "from Japan to Colombia," said Greenpeace spokesman Jean-Luc Thierry.

In Japan, protesters gathered Saturday at Nagasaki's Peace Park, where the world's second atomic attack after Hiroshima was centered in World War II.

Japanese Prime Minister Tomiichi Murayama called the test "extremely regrettable." Foreign Minister Yohei Kono summoned the French ambassador to ask for an official explanation.

Australian Prime Minister Paul Keating said the testing had seriously damaged France's international reputation. His government delivered a formal protest to the French ambassador Saturday.

In Sydney, a Paris-bound Air France jetliner from New Caledonia was grounded after Australian airport workers refused to refuel it until Sunday to protest the blasts.

Paris "seems impermeable to world opinion," New Zealand Prime Minister Jim Bolger said.

Iermia Tabai, who heads the 16-nation South Pacific Forum, denounced how France uses "our backyard to test nuclear weapons, putting at risk the Pacific environment and the health of Pacific peoples, not their own."

The United States, Russia, Norway, Sweden, South Korea and Belgium all said they regretted France's decision to set off another blast.

A French Foreign Ministry official, speaking on customary condition of anonymity, said the government wouldn't comment on the latest worldwide barrage of criticism.

But Paris appears unphased by the outcry.

"The program provides for one test per month," Jacques Baumel, vice-president of the French parliament's defense committee, was quoted as saying in Saturday's editions of *Le Parisien* newspaper.

Chirac has pledged to halt all tests by next spring, then sign a global test ban treaty. France says the testing is needed to develop computer simulations, thus making more tests unnecessary.

There was little reaction in France to the latest blast. The Green party and former environmental minister Segolène Royal denounced it. The conservative Rally for the Republic party, the senior partner in the government coalition, announced its support.

Britain so far is the only country to show sympathy for France's nuclear testing. In an interview published Saturday by the Paris

daily *Le Monde*, British Prime Minister John Major said the decision by Chirac was "difficult to take" and that he was sure Chirac "did it because he was persuaded he had to."

Friday's blast was about 60 kilotons, the equivalent of 60,000 tons of TNT, or three times the force of the bomb that destroyed Hiroshima.

The Australian Geological Survey said it packed the punch of a magnitude-5.6 earthquake.

Governments and environmental groups across the globe have condemned France for breaking a 1992 moratorium on nuclear tests. All nuclear powers except China had adhered to the moratorium.

The first test was conducted Sept. 5 beneath the same atoll, 750 miles southeast of Tahiti. A second blast was set off Oct. 2 beneath neighboring Fangataufa Atoll. Rioting broke out in Papeete, capital of French Polynesia, when the first bomb was detonated. The city was quiet Saturday.

ISSUES OF IMPORTANCE TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I want to tell you that while listening to the excellent peroration of my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA] about the danger to one of the most beautiful parts of the world from nuclear testing, a heartfelt report, I had prior to that listened to the special order of the distinguished gentleman from Kansas [Mr. TIAHRT]. I really appreciated the education that the gentleman gave us on the budget and why the Republican party is trying to keep its promises.

Mr. Speaker, I have missed the opportunity to engage in several different special orders over the last 2 weeks because of the rush of events. I am on two different conferences; one on national security, one on intelligence. There is so much work coming at us. But there are so many things happening in the history of our country that are worthy of discussing on this House floor, that I am going to have a compartmentalized special order and touch on several things.

First of all, I want to comment on one aspect of the debate yesterday. A statement of statistics that I made on the House floor that is so utterly tragic, I want to give the precise statistics right now.

Mr. FALEOMAVAEGA. Mr. Speaker, if the gentleman from California [Mr. DORNAN] would yield.

Mr. DORNAN. Mr. Speaker, I would be happy to yield to my good friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to thank the gentleman for his kind comments. I certainly would like to submit to my colleagues that I could not have found a more perfect gentleman to travel with in the Pacific.

The gentleman is so knowledgeable also, not only of our presence there at

the time that we were at an international crisis there during World War II, but I would like to say to my good friend from California that I would enjoy the next instance and the opportunity of being with him to see how some of our soldiers and sailors fought bravely, especially during World War II. We visited Guadalcanal and other areas. I want to compliment the gentleman for his kind remarks on the floor.

Mr. DORNAN. Mr. Speaker, reclaiming my time, I would say thank you, ENI, and I could not think of a better person to traverse the Owen Stanley Mountain Range, on the spine of the dual countries of Irian and Papua, New Guinea. And if I had been lost, I know the gentleman would have brought me out. It was excellent also walking the battlefields of the Solomon Islands, particularly Guadalcanal with the gentleman.

AIDS DEATHS COMPARED TO DEATHS IN WORLD WAR II

Mr. Speaker, I am going to briefly refer to World War II death statistics and give the exact figures that I rounded off yesterday on the most life-threatening venereal disease in modern times. And it is a sexually transmitted venereal disease, although it is never called that because it is not politically correct, speaking of the AIDS immunodestroying virus. It is also, coincidentally because it is blood-borne virus, spread by dirty narcotics needles, which ties it into another crisis on every continent in the world now.

What I said in debate yesterday about the deaths of people in the prime of their lives, generally, to the AIDS virus finally reaching World War II statistics, and I pointed out that I had said way back in 1985 on this House Floor, I think at this other desk, when the beloved movie star, Rock Hudson, died of AIDS, I believe that was toward the end of 1985, 10 years ago this month, I think, that some day this disease, if we did not change our culture, and use preventive behavioral conduct, it was easy to project out within a decade that we would reach more deaths than died in World War II. Here are the statistics.

In World War II, we had killed in combat 291,557. I would hope for serious discussions across our country and out in INI FALEOMAVAEGA's Guam, and Hawaii, and up to Alaska, and down to Puerto Rico and the Virgin Islands. That people, Mr. Speaker, would get a pencil and take these statistics down. It will cause some serious discussion down to high school and grade school levels about what drug use and sexual promiscuity will bring in the toll of not only lost man hours, but lives destroyed in their early years.

World War II, in the jungles, on the seas, under the seas, desert heat of North Africa, the freezing cold of the Aleutians, and all around this world; as I said in the waters surrounding every continent, the Indian Ocean, Atlantic, Pacific, North, South, Mediterranean,

American men and many nurses died to bring freedom back to the most sophisticated and educated part of the world: Europe, and the bigger cities of Asia. Mr. Speaker, 291,557 Gold Star mothers, widows, children never to know their heroic parent.

We have now passed that with death by AIDS by a large margin. It not only passed it during the last quarter; it went way past it. Dead by AIDS: 308,417. That is 17,000 more than died in World War II in combat. Broken down, tragically by children, it is stunning. Children: 3,812 children dead, most of them because their mother used narcotics or slept around before or during the pregnancy.

Children still alive with AIDS, I am not discussing anybody who is infected with HIV and has not manifested, medically, AIDS. Children with AIDS dying right now: 2,966. Mr. Speaker, 57 percent of the children infected are already dead.

□ 1800

That is under 12, not 12, 11 and under, excuse me, 12 and under—6,777, 12 and under dying or dead, unbelievable. The adult figure, those that have AIDS and are suffering now, 184,880. When I first came back to this Congress, after a 2-year break in service, came back, instead of Los Angeles County, West Los Angeles, Orange County, the third largest county in California from the first largest county, when I came back in 1985, this was just still taking off. And I pointed out then that without massive behavioral changes, without a concerted effort by those people who understand what is meant by faith and family, an effort to discourage sex outside of marriage, hetero or homosexual sex, that we would be facing statistics that would make Legionnaire's disease look like a tiny little medical blip or tragedy. In those days the death toll was in the hundreds. Of course, Legionnaire's disease was in the thirties. Since then tuberculosis has come back with a punch because it has been augmented by the virus problem with AIDS, because it is an opportunistic disease that will hit people who are HIV positive with their immune system always going into a weaker and weaker and weaker situation.

Let me give you the adult statistics, reported 489,485. Already dead adults, 304,605. That is a 62 percent death rate for adults. I repeat, 56 percent death rate for children. So there it is. Total number of AIDS cases dead or dying, 496,263.

If you take our World War II killed in action figure, 291,557, and add all the noncombat deaths, the billions killed in the Philippines when they were attacked by the Japanese warlords, innocent people killed, caught up by combat all around, American citizens, not the 55 million killed by Hitler, Tojo, and Mussolini by starting this worst war in all of history, our noncombat American deaths, 113,842.

I have not added those together. It is 405,399 Americans dead, killed in action, noncombat, and we are already now in AIDS cases pressing 500,000. Two years from now, in many cases in only 6 months, in all cases within 5 years, we will have added 100,000 more to the death toll, and it will have passed all deaths from World War II, just within the next few months, already passed the combat deaths. What a tragedy that more candidates other than myself and Alan Keyes are not discussing the moral crisis and meltdown we have.

When we come back into session next Tuesday night, Mr. Speaker, for votes at 6:00, it will be Tuesday November 7. The date of the Presidential election next year is November 5. I have a countdown watch quite seriously to remind me of that date every day, several times during the day. It is only 445 days to the inauguration of hopefully a new President. But it is 76 days in the interregnum from the election on November 5 to January 20, 1997.

So let us just talk about the election. We will be inside the Presidential election year by 2 days after I am through speaking when this House next convenes. It is a leap year, so there will be 364 days left to the election.

Now, have we gotten into a serious discussion, a debate between the 10 Republican candidates, that is with the two millionaire CEO's involve, Mr. Morey Taylor and Steve Forbes, good men both, with the eight millionaires and the two of us who are nonmillionaires, Alan Keyes and myself, have we had a chance to exchange one question between one another? No, we have not. Every Presidential forum has been a job interview, put your best foot forward, try to be gentle to the other candidates. Most of us are except one. When you are running No. 2, it is tempting I guess to try and tear down No. 1. But we have not had an exchange.

I hope that will come up on the 17th and 18th in mid-Florida in Orlando with what Jeb Bush, the organizer of it, has proudly called Presidential 3. Maybe we will get to exchange questions. And maybe I can get some of my worthy competitors, the other nine, to answer some of the questions that they are all asking Colin Powell to answer. And foremost among those questions, and I have the 22 that I proposed in the well last evening, and I finally have here the 22 questions that George Will proposed, I am going to put all 44 in the RECORD, but let me first ask five questions of our leader in the Senate, which will take me into a heart-breaking situation that I have just learned about this week and discussed in depth in the Rayburn Room just off the Democratic cloakroom. It involves our missing in action.

There are five items in the Republican conference bills for Chairman BEN GILMAN's Committee on International Relations, authorization and/or appropriations bills, and for the Committee on National Security, formerly known as the Armed Services

Committee, in our authorization and appropriations bills that are now in the hands of the Republican majority in the Senate. And its leader is the leading Presidential candidates. In most general polling in our 50 States, ROBERT DOLE has more percentage points, now that we are almost within a few days of being inside the election year itself, he has got more points than all the rest of the other nine put together. So I propose, Mr. Speaker, through you to my good friend, and he knows I admire him, Mr. DOLE, the five following questions:

One, when are you going to crack the whip, use your whip—my pal, who I served with for a decade in the House here, Mr. TRENT LOTT, Senator LOTT of Mississippi—when are you going to crack the whip, use your leadership powers to resolve the Ben Gilman-Bob Dornan-Floyd Spence language on the missing in action, missing persons office under the secretary of defense, the POW missing in action, secretary of defense office for missing persons, military persons? When will that be resolved so that we do not have a repeat of the agonizing situation I am about to discuss that is before me, involving a funeral, a forced funeral next Wednesday of an air crewman from an AC-130 Hercules Spectra gunship. So, Mr. Leader, in the Senate, through you, Mr. Speaker, I ask for action on this.

Item No. 2 in BEN GILMAN's bills are words from our Contract With America that I wrote together with Congressman JOHN DOOLITTLE of northern California, no U.S. soldiers, Marines or pilots under foreign officers, under U.N. command or any other command unless there is a ratified treaty such as NATO where we have trained together, in the case of NATO it is almost half a century, a few years shy of half a century of training together, no U.S. troops under U.N. command, and we will not have the nightmare of E-5 specialist Michael Nu who has no recollection of ever raising his right hand and swearing to uphold any Constitution other than the one written by James Madison and worked over and perfected in this very Congress 200 years ago and the other body. He has no recollection. Senator, has anybody in the United States military ever been asked under oath to defend the U.N. charter, let alone to wear regalia or insignia of any other military force in Bosnia or anywhere else?

I want to know what is the status of that, Mr. Speaker, what is our leader doing to nail that down in the next few days? We were supposed to have adjourned a month ago. A year from now we will have been adjourned from an election, on or about October 1st. So there is only 11 months left, no matter what, before we all go home for at least a month to campaign for the 1996 election.

No. 3, in Mr. GILMAN's legislation, authorization/appropriations, again I was one of the authors of this, together with a freshman, BOB BARR of Georgia,

we only had one speaker on the Floor, probably the preeminent hero, military hero in this Chamber, SAM JOHNSON of Texas spoke about no money for the normalization of any relations with Hanoi until we have resolved lots of remaining agonizing missing in action cases.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair reminds Members that it is not in order in debate to specifically urge the Senate to take a certain action or to characterize Senate inaction.

Mr. DORNAN. I knew that, Mr. Speaker, and it had slipped my mind.

Then it is up to this Congress, both Chambers, to resolve in conference that no money for normalization with Hanoi, passed unanimously by voice vote in this Chamber with only Mr. SAM JOHNSON of Dallas, TX retired Air Force Colonel, 7-year prisoner in Hanoi, speaking for 2½ minutes. One objection from the other side by a fellow POW who had not undergone the severe torture and solitary confinement that a senior officer like Mr. SAM JOHNSON of Texas had undergone, and he only spoke for less than half a minute and said, I object, but did not call for a vote. That sits over on the Senate, that sits now in conference. The House is standing on its position.

No. 4, we have passed my language on no abortion in military hospitals, not once, Mr. Speaker, not twice or 3 or 4 or 5, 6 times in this House, on authorization bills and appropriation bills, we have voted to protect the Dornan language on no abortions in military hospitals without a single military doctor, male or female, Navy, they covered the Marine Corps also, Army or Air Force, Pacific or Europe, Mediterranean, nowhere in the world has a doctor written to me as the chairman of military personnel and said, I want to perform abortions in the military. As a matter of hard fact, I fought this through subcommittee and full committee and sustained in debate my own language through six House recorded votes. I did this at the behest of men and women who wear the uniform of our services, who are medically trained doctors, and who are ob/gyn doctors that told me that in the military they defend life, they do not take life.

That vote yesterday, again, I keep track of my own particular religious denomination, 41 people, Mr. Speaker, who put Roman Catholic after their name in their official congressional biographies, mercifully only 4 Republican Catholics and 37 on the other side of the aisle who put Catholic in their biography voted against stopping the killing by sucking out the brain tissue of a fully formed late stage fetus child after it is fully brought down the birth canal except for the head, and they

voted to allow that procedure to continue, that brutal procedure that, as Mr. HYDE said on the floor, would be damned if it was done to animals, animals without a soul, not made in the image and likeness of God. What an amazing vote that was on the House floor yesterday.

I am going to remember it always with a little rhyme. The votes, including 15 Republicans, to maintain this barbaric procedure were 1, 2, 3; 1, 2, 3, I only care about me. On the Republican side, it was 2, 8, 5, I know when a baby is alive, 285 to 123. As I said in the well, probably the most important pro-life vote, and Members will lose their seats who voted wrong on that one, maybe only a handful, but it will pull down some people. And nobody who voted to end that barbaric savage inhuman process will lose their seat because of an "aye" vote sustaining CHARLES CANADY of Florida's language.

So the no abortions in military hospitals, why is that still being argued in conference?

And No. 5, it relates to the statistics that I just gave on AIDS deaths, absolute plague based on human conduct, it is not some Ebola virus that we are trying to contain. It is spread by human God-given free will. The no HIV positive tested persons with the AIDS virus remaining on active duty.

We have nobody left on military active duty, not a single person that any one of the services can tell me about who got it through a contaminated blood transfusion. It is all from one of three causes, all of them in violation of the Uniform Code of Military Justice. Rolling up your white, khaki or blue uniform sleeve and sticking a contaminated filthy needle in your arm. They die the most quickly because it is direct blood to blood contamination.

□ 1815

Heterosexual sex with prostitutes in an off-limits prostitution house where all of the prostitutes are infected with the AIDS virus, that is violation of orders of your commander and general understood orders under the UCMJ, and the third category that seems to drive this whole thing politically, having unprotected sex with strangers in some hideaway or men's room somewhere, high-risk sex with strangers that is homosexual, that it involves again transferring the AIDS virus. Why is that being demanded as a separate vote in the other Chamber when it has won overwhelmingly about four times in subcommittee, and committee and on the floor? So there are five things that I would like to see done on the other side.

I will close, with whatever remarks I have, with the 22 questions of George Will, which I did not put in last night, to my friend and man of great character, Colin Powell, great character, but a little short on answers lately, and then I will resubmit again my 22 questions, and I added one, and to keep it to 22 I made it a two-part question on one aspect of foreign policy sanc-

tions, and that was to heed the eloquent plea last night of my colleague from south Florida, Mr. DIAZ-BALART, about the war criminal, human-rights criminal, first-degree murderer, savage, evil human being, Fidel Castro, who has left friends of his, let alone adversaries, rot in prison for a quarter of a century, some of them stark naked in solitary confinement for up to a decade, only inquiring about them every 5 or 10 years, and here he is the toast of the town in New York at a posh apartment on Fifth Avenue owned by Mort Zuckerman.

I know Mort. I went to the gulf war, March 15, 1991, with him on the first Kuwaiti 747 to go back into newly liberated Kuwait. We saw the devastation together. He seems to be an intelligent person. Why would he host at his apartment a first-degree murderer?

If some of us think O.J. Simpson is a first-degree murderer who savagely, brutally killed two human beings and got away with it, that is two, two. Castro has done that thousands of times over, and there he is with Canadian Peter Jennings, Diane Sawyer, the chronicler of Richard Nixon, an elegant lady and probably her husband, a talented stage director, with her. There is Dan Rather giving him a baseball bat, putting a baseball bat into the hands of a man who has ordered people to be beaten to death with baseball bats. What kind of insane Kafkaesque world do we live in?

Two other little items, and then I will get into this missing-in-action tragedy.

A week ago, the first legislative day following the 800,000-plus-1 march; I say "plus 1" because I was there as an observer, so I guess the helicopters counted me on their grids; my son, Mark Dornan, sent me a fax. Mark recently got a degree in history from UCLA. He did not know I was going to the march, and this was waiting for me in my fax machine when I got back here in—just outside the beltway. He says, "Dad, why does Al Sharpton, the racist Farrakhan had not spoken of, why does Al Sharpton blast the political right when this march is all about Republican conservative ideals?" Big question mark. "I.e.," Mark writes, "self-reliance, the family unit." He has Dan Quayle in quotes, in parentheses, afterward. "No government cheese." It is a line he got from the comedy of the highly talented Wynans family of television fame. "It is about stomping out crime. It is about striking sexist, violent rap lyrics, gangster rap. It is about strengthening the black economy," and most of all, my son tells me, "Evoking the name of Jesus Christ and God's name, something a white politician is criticized for doing. Also, Dad, talk of sin and redemption. Are these black American men conservatives who don't know it yet?"

I told Mark that I liked that fax so much I was going to put it in the CONGRESSIONAL RECORD. Done.

One other item.

One of my staff called the Council on Foreign Relations up in New York City, the island of my birth, 68th Street off Fifth Avenue. They are sending a delegation to Vietnam, to Hanoi, next week to lay the groundwork for a war criminal who has become a multimillionaire in the Federal payroll and the World Bank payroll which is tax-free where he drew over a quarter of a million dollars a year and all sorts of unbelievable perks for 13 years, right up until 1981, until Ronald Reagan forced him out, and I am speaking of Robert Strange McNamara. He is going back to Vietnam to tear open the wounds of all the missing-in-action families and all the families of the 58,500-some young men, 8 women, whose names are on the Vietnam Memorial wall, who I believe, quoting again President Reagan, were involved in a noble cause, that although it was a significant part of the melting down of the evil empire, they—well, they know the answers, they are all in heaven, but their families have never been able to find full mental peace because this country has not formally, at least since Ronald Reagan, ever acknowledged that every life lost in Vietnam was part of the twilight struggle that Kennedy talked about, the President who first sent our young heroes to Vietnam. The twilight struggle that would go on for the rest of this century ended much sooner than we thought it would when the wall came down on November 9, 1989. Kennedy said, paraphrasing Lincoln, the world cannot remain forever half slave and half free, and these young men died in Vietnam, some not so young. Those who gave their lives, 33,629 in combat, 53,000 overall in Korea, they also were the two major, very bloody, very hard-fought battlegrounds of what people still incorrectly say was a cold war won without firing a shot. How about all the four-engine and two-engine aircraft that—and U-2's that flew ferret missions on reconnaissance and intelligence-gathering missions all around the periphery, including the Arctic, the periphery of the evil empire? What about all of those people that disappeared into the mist of history?

We just had a funeral. I do not know if the families wanted this funeral, a mass funeral up at Fort Meade which was National Security Agency headquarters, major listening post of the free world for an RB-29, a World War II B-29 that was shot down over the Sea of Japan a few days after the cessation of fighting in Korea, and for years, decades, the family members were lied to, lied to. It was considered a necessary intelligence-world lie that the plane was lost in weather when all that time buried in the bowels of NSA and the archives of the Pentagon were the transcripts of the pilots' voices telling how MiG's were firing at them, closing in on them, and killing them.

And that brings me, thinking about the war criminal, Robert, middle name

truly Strange—that is his real middle name, Robert Strange war criminal McNamara is off to Vietnam to bring pain to the families I am about to discuss.

Mr. Speaker, I just left the Rayburn Room, as I mentioned, discussing with two primary family members and their friends a funeral that is going to take place next Wednesday. That will be November 8, the 1-year anniversary of this earth-shaking election last year. There will be a funeral at Arlington against the will of most of the family members where our Government is going to—my Government is going to bury—I wish that we had the camera capability—we could have it, if we wanted—to zoom in for a closeup that is available on any television show, program, in the 100 or so channels around this country, around the world, but this is too small a picture for any camera to pick up. But that is the sum total of human remains, a small group that you could hold in your two hands cupped together, of bone fragments, none of them any bigger than a few inches, and it could be all one person. The Pentagon is claiming that it is the remains of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 people, and it is going to be a funeral with a single gravesite for this tiny amount of bone fragments. They will not do DNA on them. They claim it is too expensive. I thought there was no expense that we would not go to for our heroes from the Vietnam war, and all of these 10 men, they are all males, there are no females in combat positions on April 22, 1970, when this AC-130 Spectre; that is the name for gunships, Hercules gunships; crashed in Laos, and one man was returned from captivity, Eugene Fields. He has not been made available to the other 10 families.

Not only that, in trying to avoid the unending pleas of the family members to discuss his recollections of his bailout and who was left on the—this big four-engine Lockheed C-130 and who was not left on it, he finally told one of the family members that he had been threatened that he would lose his retirement benefits as an Air Force retiree if he divulged to any family member any of his debriefing.

I am adding legislation to the aforementioned POW-MIA Secretary of Defense Office for Missing Persons, legislation that no reprisals must ever be taken against anybody who wants to talk to family members and also that no source will ever be burned who gives information in a debriefing to ferret out every little fact surrounding the disappearance of one of our American fighting heroes.

Now let me at this point, Mr. Speaker, give the 10 names of 8 regular Air Force folks and 2 reservists: Charlie B. Davis, Jr. He was a navigator or two navigators. His wife, Ginger, watching this special order closely; I will meet with her after this special order.

□ 1830

She only received a statement, a final statement of death, on her Charlie just this last week. It was prepared 12 September, and I do not know what took it so long to get to Ginger Davis. I will come back to that.

I just met the daughter of Charles S. Rowley, the senior navigator. The daughter, Patty, says she has had a terrible time trying to get to Eugene Fields, the one survivor who bailed out.

At this point before I give the other names, I want people to be thinking about this who follow the special orders of this House, Mr. Speaker. Eugene Fields had a position back of the aircraft, and I was just on one of these AC-130 gunships in Brindisi, Italy; they have been flying hot combat missions, or they did on the night of August 30.

I was there when they briefed to go into combat over Bosnia. Then they went in August 31 and alternately during the next 10 days into September. AC-130's flew hot combat missions for the first time since the gulf war, where we lost one, hit when the sun came up at daylight over Kuwait, crashed into the Mediterranean, and we recovered about 10 of the 14 bodies. The rest disappeared out to the Gulf of Oman and the Arabian Sea.

The back of the aircraft, a big airplane loaded with guns and firepower and hot ammo and flares and 105-recoilless millimeter shells, and Bofors Gun 40-millimeter shells, and lots of Gatling gun information, it is a flying munitions arsenal, and the parachutes are strategically placed around. They wear their harnesses with a quick snap-on. You do not care whether the chute is on your chest or back, you just want out of that burning airplane before it explodes in a massive fireball.

He worked his way to the front of the aircraft, Eugene Fields, and could feel a tremendous draft. Then he saw what it was. There are no ejection seats. The bailout trap door behind the forward crew compartment where the pilot, copilot, and navigator sit, it was open. He looked into the flight deck and there was no pilot, no copilot, and hence, no navigators. They were all gone. He found his chute and he bailed out.

He made it back, and yet all these family members are told that all the people on the flight, including all the other gunners and support people throughout this aircraft that had 11 crewmen on it, they all died in the crash. They gave Ginger her husband's dog tag. I am sorry, I forgot how Ginger told me she got this. I think it came from the Central Investigative Laboratory at Hickham Air Force Base in Hawaii. It is darkened beyond the polished silver, but it might take up that color just sitting on a shelf for 25 years. It is not bent. None of the letters are destroyed. Clearly, you can see blood type, positive; the religion; the full Air Force serial number; Davis, Charles B., no "junior." There is his dog tag. At one point that was hanging

around Charlie's neck on a combat mission in the fight for freedom over Laos.

They gave Ginger a story that seems incredible, that his sidearm was found by a very talented and skilled gentleman who ran the missing-in-action POW office in Hanoi for 2 years, Bill Bell, that he found the sidearm of this Air Force officer in the War Museum in Hanoi. How did that 45 Colt automatic sidearm get from Laos up to the War Museum in Hanoi? What a painful fact for a family member to have to absorb in seeking to know the fate of Ginger's Charlie.

Here is the report of casualty. It reads, at the bottom, in Remarks: "Under the provisions of section 555, title 37, U.S.C., and upon direction and delegation by the Secretary of the Air Force, the assistant Deputy Chief of Staff Personnel for military personnel finds this individual to be dead." He was officially reported as missing in action on 22 April 1970. He was continued in that status until 24 May 1974, 4 years, 1 month later. "The date of death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities, as stated in section 555, title 37, U.S.C. The remains of Colonel Davis were repatriated by the Laos Government, the Communist government, on 12 November 1993, 2 years ago next week. "Positive identification was confirmed by the Armed Forces Identification Review Board September 1, 1995. Lump sum payment, \$20,000," all these years later.

Here are the other eight names. By the way, for a time line, Mr. Speaker, 22 April 1970, Lenin's birthday, by coincidence, was the first Earth Day. The lady who is now a billionaire, a billionaire, that is a thousand millionaires, several times over, because she is married to Ted Turner, she was out here on the West front, Jane Fonda, with her then husband, Tom Hayden, and I do not even think they were married then, and the Governor of California. No, it could not have been, because Ronald Reagan was still Governor. That was a few years later on this day, that was the first Earth Day, and a few Earth Days later when she had married Hayden, been to Hanoi, sat in the gun pits, she and Hayden, and then Gov. Jerry Brown, he served from 1974 to 1982 so it must have been Earth Day of 1975, they stood out there on that April 22, never thinking at all about how many men had died on this particular April 22 day, and looked out across America and thought about how wonderful it was that the left would soon be in ascendancy in this country some day.

Here are the other crewmen, all involved in this mass burial of this tiny little bit of bone fragments, all 10 who will supposedly be honored at Arlington Cemetery next Wednesday:

William L. Brooks, colonel; Donald G. Fisher, colonel.

This is not their rank at time of shutdown, but rank that built up while they were missing in action.

John C. Towle, captain; Robert N. Ireland, chief master sergeant; Thomas Y. Adachi, senior master sergeant; Stephen W. Harris, tech sergeant; Ronnie L. Hensley, chief master sergeant; and Donald M. Lindt, senior master sergeant.

Now listen to this letter, Mr. Speaker, dated 7 November, a year ago, 1994. "For the Commander, U.S. Army, CIL," Central Identification Laboratory, not investigation, Hickman Air Force Base, HI. I have visited it a dozen times. "Proposed identification of," and they give the code name for this group, "Group remains. Background and acquisition. On 22 April, 1970 Major William L. Brooks and First Lieutenant John C. Towle were pilot and co-pilot, respectively, of an AC-130 A in a flight of three aircraft on a night-armed reconnaissance over Xekong Province, Laos." Also manifested on board the aircraft were Lt. Col. Charles Davis. Here are their ranks at time of shutdown: Lt. Col. Charles Rowley, Maj. Donald Fisher, they were all navigators. That is how important these night missions were, and to navigate this big aircraft so close to the ground to try and destroy trucks along the Ho Chi Minh Trail.

"Master Sergeant Bob Ireland was the flight engineer, Staff Sergeant Eugene Fields," he is the one who is one survivor that came out of captivity, Sgt. Thomas Adachi, Stephen Harris, and A1c. Donald Lindt were all gunners, Gatling gunners, Bofors gunners—I do not know if they had the Bofors—and the recoilless cannon, and Sgt. Ronnie O. Hensley was the illumination operator, which also made the operation severely dangerous, loaded with big flares. If the flares were ever hit by ground fire, the plane turned into a flying torch.

The aircraft was attacking anti-aircraft positions approximately 2.5 kilometers southeast of "ban", which means village in Laos, "Ban Tanglou, when the pilot radioed that his aircraft had been struck near the tail by 37 millimeter anti-aircraft fire." That is the kind of anti-aircraft that Fonda was sitting in the gunpit with, radar-directed anti-aircraft fire, effective day or night. It is made in Russia, by the way.

"Shortly thereafter the aircraft crashed and burned. Sergeant Fields was able to successfully exit the aircraft prior to its impact, and subsequently was rescued." I stand corrected. He was not returned as a POW, but he was rescued, so there was a very active rescue operation. "In his debrief, Sergeant Fields indicated that he had seen the aircraft impact, but had not observed any other parachutes." That is only half of the statement. "Sergeant Fields did indicate, however, that he had not seen Sergeant Adachi at his crew station as he was bailing out of the aircraft, and speculated that

Sergeant Adachi might have been able to also exit the airplane."

What about the prior story I told? It is not here. That is why I, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, will have to, and if he is listening, or a relative or friend is listening, Mr. Speaker, I hope Sergeant Fields, Eugene Fields, retired, will please call me so I can help these families get to the truth. That is what this office I am trying to get set up out of the authorization bill this year with the Senate, this is what that will prevent, this type of suffering for these families for years.

"Search and rescue attempts detected no electronic beeper signals, and no other parachutes or signs of survivors were observed." Where? How extensive a search? This is a combat area, with 37-millimeter anti-aircraft guns firing. "The incident was designated REFNO 1600. Colonels Davis, Rowley, Brooks, Fisher; Captain Towle, Sergeants Ireland, Adachi, Harris, Hensley, and Lindt, all, all subsequently promoted, are carried in the status of dead, body not recovered."

Paragraph C: "On 18 January a United States-Lao Peoples Democratic Republic joint investigation team surveyed the crash site, interviewed purported witnesses to the incident. One of the informants reported seeing dead or badly burned bodies at the crash site. Personal records were recovered from the surface. Some of the records subsequently could be correlated with the REFNO-16 aircraft and the site was recommended for recovery.

"In March of 1993 a joint task force full accounting," that is the JTFFA, "archival research team reported finding material relating to the incident in the Central Armed Forces Museum in Hanoi, Vietnam."

Again, this proves again, for the millionth time, Mr. Speaker, that North Vietnam, Hanoi, the Communist government, still in power, had access to all of the crash sites along the Ho Chi Minh trail, including all of those inside Laos. President Nixon was absolutely wrong when, after the last freedom flight left Hanoi on March 27, 1973, and he said, "All the prisoners from Laos are home," that was not a fact. My best friend, David Hrdlicka, was there; CIA civilian Eugene D. Brown was there; Charlie Shelton, who has been shot down, a father of five, his wife was a friend of mine until she tragically died, Marian Shelton, he was shot down on his 33d birthday, 29 April, 1965. My pal, Dave Hrdlicka, was shot down 18 May of 1965.

They were known to be prisoners in Laos right up through this period when Nixon tragically said they were all accounted for, and we have all the memos now that they were not accounted for. All those people in the Nixon administration, including some who went to jail for other lying, they knew they had a hot potato here and they were trying to just sweep it all away; get rid

of the war, so that he could continue on in his second term without a hostage crisis on his hands.

So this material turns up in the Central Armed Forces Museum in Hanoi, which I visited, and with the gentleman from California, Mr. DAVID DREIER, reached through one of the cases and rolled tightly an American flag so we would not have to look at the Stars and Stripes upside down, in a museum case, in a Communist museum, where they think they won a war, where they never won a battle and never had air or naval supremacy, and just bled off their teenaged kids down to 12 and 13 years of age against McNamara's designed firepower, without any plan for victory. I have been in that museum, and we took pictures of some material that had yet to be turned over to us, proving that there were last known alive cases not resolved.

"Among the items was a receipt for two .38-caliber revolvers." I stand corrected again. I told the family members I would make some mistakes, because I have not had a chance to go over these in detail an hour ago. They were not .45's, they were Smith and Wesson revolvers, .38 caliber, purportedly from a C-130 aircraft shot down by troops, "Station 35, group 559."

That is North Vietnamese people inside a nation that was then a member of the U.N. Laos and Cambodia were members of the U.N. from the early 1960's, late 1950's, and here was a Communist country that was not a member of the U.N. violating their sovereignty.

"Group 559," Hanoi, Communist union, "in Truongson Province."

□ 1845

A geographic reference to the Ho Chi Minh Trail region in southern Laos. One of the serial numbers listed on the receipt correlates to a revolver issued to Colonel Fisher. Again, I stand corrected, another one of the four navigators, not Charlie Davis, as I had said.

Paragraph E: On September 1, 1993, the Vietnamese Government provided JTFFA with the record of enemy aircraft shot down from 1965 to 1975, which indicates that nine pilots died in the shutdown of an AC-130 that closely matches the date, it was just off 1 day.

In October 1993, this is paragraph F, the recovery team begins the excavation. Identification tags for Colonel Brooks, Davis, Rowley, Sergeants Ireland, Hensley, and Adachi, the individual staff Sergeant Fields thought may have exited the aircraft, and Sergeant Lindt, were recovered from among thousands of pieces of AC-130 aircraft wreckage.

In addition, approximately 1,400 bone fragments and human teeth were recovered; 1,400 sounds like a lot, but when you put them all together, they are so tiny, I repeat, you could hold them in two hands in a small sack. That is what will be buried next Wednesday at Arlington.

Paragraph G: The skeletal and dental remains were escorted by a representative of the recovery team to the SIL at Hickam on November 15, 1993, where they were assigned a processing number, it gives the number.

Section 2, summary of findings. JTFFA analysts concluded the recovery site was the location of a non-survivable crash of an AC-130. Proper assembly serial number and identification media found the recovery links. They go through the anthropological analysis, indicates that the skeletal remains consist of human cranial, post cranial bones of at least one male adult who suffered parimortem trauma consistent with an air crash and subsequent fire. It talks about the fragmentation and charring of other remains, and then it gives some dental remains consisting of four intact, un-restored human teeth, and it describes them and their location in the jaw, but they could not link them up with any one person.

While consistent with one or maybe more of the individuals associated, none of the teeth could be individually associated. The size and condition of the remains precludes identification through the use of mitochondrial DNA. Given the current state of that technology, the families want more reassurance in that area, and then here is the recommendation, section 3.

It is not currently possible to positively associate the skeletal or dental remains with this crash with any specific individual. However, based on wreckage analysis that indicates the crash site was that of the AC-130 involved.

It goes on to say that including the identification tag for the one individual that the Staff Sergeant Fields speculated may have successfully exited the aircraft, and here is our problem, Mr. Speaker. Did Sergeant Fields, who feels under threat, tell family members that he could see none of the people on the flight deck in the aircraft as he was exiting?

A demonstrable chain of custody, key words in any missing person, chain of custody for both the remains and the personal effects and the laboratory analysis, which indicate that the recovered remains are for more than one individual who suffered trauma, it is reasonable to assume that the skeletal and dental fragments designated are the only remains recoverable, and on that they list all of the people, and this has led us to this funeral ceremony coming up.

Now, look at these pieces of evidence that the families have given to me. Here is finally an unclassified former secret document that I was given tonight, and here is a narrative. This, I believe, is of one of the F-4 pilots, we will find out. The two accompanying aircraft were Air Force fighters, two men each. PAC Air Force Major Webber advises the following: AC-130, let me get a date on this. No, it is blocked out. Maybe it is somewhere else on here.

AC-130, cross sign Ablib, 1954 that is the year it was manufactured, 1625, 16 special operations squadron out of Udorn, one of our five major air bases in Thailand. It says that Ablib reported he had been hit and was going to RTB, recovery, probably in the Confenon. A report came from an escort aircraft, cross sign Killer II that the crew was bailing out. Shortly after that beepers and voice contact, beepers and voice contact, totally contradicting the final official reports.

I cannot see because of blacked out ink what this says. With at least 1 of the 13 crew members on board. Was that Sergeant Fields? Killer II advised the crew members to dig in for the night. Voice contact was made with number 12 man who reported he has burns. Did Sgt. Eugene Fields have burns? This is not a Surprise Package aircraft. Code unknown to this former Air Force officer.

This AC-130 was put in as a substitute for Surprise Package because of maintenance on Surprise Package, probably another backup aircraft of that type. The date on this, when somebody looked at it, is December 27, 1973, a year-and-a-half after the incident. This is out of Saravane, Laos, and I cannot find a date on here. It says date, time, location. Date, 21. This is April 21, and the time is 1359 eastern. So this is the date of the report. I am sorry, the report is the 23d of the next day.

Now, there is another piece of evidence, and I will go over all of this with the families as soon as my special order is finished.

This is a forensic anthropology report. With all of the aging criteria taken into consideration, a rough age range of 25 to 40 years is suggested for all of the remains.

Let me just close with the one line out of this. They give a race assessment, Mr. Speaker, a stature assessment, a trauma assessment, and conclusions, and it is still so vague that the families are asking before there is a funeral next Wednesday, could they not put it off to all of the family members, and they work together as a group now, to get their questions answered through the full cooperation of the Pentagon and the Missing In Action Office over there, and all have a chance to talk to Sergeant Fields so that they could go to a funeral ceremony like this, so that I could go to it with them, and enjoy, memorialize the sacrifice of this great Air Force crew.

Mr. Speaker, I will return to this issue when we come back next week.

Mr. Speaker, I include for the RECORD the aforementioned articles.

[From the Wall Street Journal, Aug. 3, 1995]

HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by

Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism!!

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said, "We don't need to win military victories, we only need to hit them until they give up and get out."

Q: Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war!!

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q: Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerrilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Soviet aid made the war possible. Le Duan [secretary general of the Vietnamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't we will still win, but we will have to sacrifice one or two million more soldiers to do so.

Q: Was the National Liberation Front an independent political movement of South Vietnamese?

A: No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q. Why was the Ho Chi Minh trail so important?

A. It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

Q. What of American bombing of the Ho Chi Minh trail?

A. Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B-52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q. What of American bombing of North Vietnam?

A. If all the bombing had been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q. What was the purpose of the 1968 Tet Offensive?

A. To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q. What about Gen. Westmoreland's strategy and tactics caused you concern?

A. Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that "America is wealthy but not resolute," and "squeeze tight to the American chest and attack." He was invited up to Hanoi for further discussions. He went on commercial flights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over. Wow!

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target for frustrate discovery of our plans. Small teams, like the one which attacked the U.S. Embassy in Saigon would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise. Giap later told me that Tet

had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, "he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again." We tested Ford's resolve by attacking Phuoc Long in January 1975. When Ford kept American B-52's in their hangers, our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

[From the Washington Post, Oct. 29, 1995]

22 QUESTIONS FOR COLIN POWELL

(By George F. Will)

Colin Powell, his literary life completed, has gone to earth with advisers to ponder a political life. These advisers, for whom he is a ticket to the circus and who therefore will urge him to run, should quickly help to equip him with answers to questions like:

During Nelson Rockefeller's 14 years as New York's governor, the top income tax rate more than doubled and state and local taxes more than tripled. Not surprisingly, the growth of private-sector jobs was four times faster in the nation as a whole than in New York, which experienced a 1,000 percent increase in welfare spending. The state had fewer than 400,000 welfare recipients when Rockefeller became governor but had 1.4 million when he left. You call yourself a "Rockefeller Republican." Why?

You say you are in the "sensible center." Does that mean people to the right of center are not sensible?

Your friend Bob Woodward, the reporter writes that after you watched the Conservative Political Action Conference convention on C-SPAN you said to a friend, "Can you imagine me standing up and talking to these people. What is it about "these people" that makes talking to them hard for you to imagine?

Reviewing your book in the New Republic, Nicholas Lemann notes that in 600 pages you do not "display the tiniest hint of wanting fundamentally to shake up the political system, or any system." Are you fundamentally content with the status quo?

Which parts of the Contract With America do you consider "a little too hard, a little too harsh, a little too unkind"?

You call yourself "a fiscal conservative with a social conscience." Who else would you describe that way? How would your social conscience express itself in fiscally conservative politics?

Talking with students before a San Antonio speech you said, in the context of a question about the balanced-budget amendment, "I hate fooling with the Constitution." Does that mean you oppose the amendment?

In a Jan. 31 story about one of your public appearances, the New York Times reported that your "ideas sometimes seem so inclu-

sive as to be contradictory," giving as an example the fact that "while discussing 'the need to recreate the American family,' he said, gesturing to a person in the audience who had criticized the military's policy on admitting homosexuals, 'It doesn't even have to be a two-gender family.'" Could you elaborate?

You opposed lifting the ban on gays in the military, citing the military's unique nature and mission. However, in 41 states it is legal to fire a person because of his or her sexual orientation. Should it be? If not, should there be a federal law making discrimination regarding sexual orientation akin to racial discrimination in hiring and housing?

Who lied, Anita Hill or Clarence Thomas? Who more closely resembles your idea of the ideal Supreme Court justice, Thomas or Earl Warren? Should Robert Bork have been confirmed?

You favor some forms of affirmative action. What about the federal program of racial set-asides for minority ownership of television and radio stations, under which you and some partners acquired a Buffalo television station? To Henry Louis Gates Jr., who was writing about you for the New Yorker, you said, "But it's black owned. If you got a bunch of white guys with a brother fronting for them, get rid of it. That doesn't serve any purpose for us." What public purpose is served by government granting to affluent investors racial entitlements to communications media?

As president, would your budget include money for public television and the arts and humanities endowments?

You object to the use of the Bush campaign made of Willie Horton in the 1988 campaign. Do you know who first raised the issue of Horton and the Massachusetts furlough program? (Hint: He raised it during the Democrats' New York primary and is now vice president.) What exactly was objectionable about citing Horton and his rape victim as a consequence of that prisoner-release program?

After the O.J. Simpson verdict you said, it is a racist society. All you have to do is listen to Mark Fuhrman." Does that mean most, or a great many, Americans resemble Fuhrman. Or that racism is the principal impediment to African American advances? Prof. Glenn Loury of Boston University, a leading African American intellectual, has said that if with a magic wand you changed the color of the skin, of the people on Chicago's south side or in south-central Los Angeles you would not appreciably change their life prospects. Do you disagree?

There, Twenty-two questions. Twenty-two more, on request.

TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?
2. Should the debt ceiling be raised without a specific plan to balance the federal budget?
3. Should the \$500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?
4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?
5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?
6. Should capital gains tax cuts be made?
7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?
8. Should women be allowed into combat? Can they opt out on eve of deployment where

raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Bottom-Up Review defense plan which, by some accounts, is under funded by as much as \$150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime?

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Slovak Republics be allowed into NATO? If so when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And, except for life-of-the-mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993, the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

TRIBUTE TO JUDGE RAYBURN WAYNE LAWRENCE

The SPEAKER pro tempore (Mr. NETHERCUTT). Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Texas. Mr. Speaker, today in Palestine, TX, Third Judicial District Judge Rayburn Wayne Lawrence retires, and the judiciary loses one of its most outstanding jurists.

For 30 years, Judge Lawrence has dispensed justice from the bench of the Third Judicial District, but, for a life-

time, he has served his community, his State, his Nation, and his fellow citizens.

Judge Lawrence, the son of Robert Crittenton and Arizona Adams Lawrence, was born in Logan, TX, on November 3, 1920. He completed Groveton High School in 1936, the College of Marshall in 1939, and the University of Texas in 1941.

When his country called, Judge Lawrence responded. In the U.S. Navy during World War II, this patriot saw nine Pacific campaigns during 33 months at sea from Munda to Okinawa.

After his wartime service, he earned his law degree at Baylor University and hung out his shingle to practice law in Palestine, TX, a city that grew to love him and surely regrets, as I do, his retirement from public service.

He was appointed municipal judge for the city of Palestine, and was subsequently elected Anderson County judge, the chief executive officer of the county.

Then, in 1965, he won election as district judge of the Third Judicial District. And he won every election since, until he chose this day—1 day short of his 75th birthday—to retire.

The 30 years Judge Lawrence has spent on the Third Judicial District bench is longer than the tenure of any of his outstanding predecessors in the 159-year history of the court.

His judicial tenure has been as remarkable for its service to justice and community as it has for its duration.

Recognizing his nearly three decades on the bench in 1992, the Texas Bar Foundation recognized Judge Lawrence as the Outstanding Texas Jurist, the most prestigious honor that the State Bar of Texas can award to a Texas judge and one he richly deserves.

His record rightfully places Judge Lawrence alongside his great predecessors on this historical court, of which he has proudly been the historian.

As James N. Parsons III, a mutual friend and lawyer before Judge Lawrence's court, recently observed, "During his years on the bench, Judge Lawrence has always kept the history of the Third Judicial District before the participants in his courtroom. All of us who have been there have been educated as to the heritage of the great court and certainly, Judge Lawrence stands as one of the men of significance who have occupied that bench."

So it is important in knowing who Judge Lawrence is to share with you a bit of the history of the court on which he has served so long as so well. It is Judge Lawrence who has written the history of the court.

I quote here from the history of the court written by him:

The Third Judicial District is one of the oldest such districts in Texas, dating back to December, 1836, when the First Congress of the Republic of Texas created four judicial districts to cover the entire Republic.

The Third District has operated without interruption since that date and, during its long history, its bench has been occupied by

men of prominence, not only in the law, but in the affairs of Texas. Two Texas counties—Williamson and Mills—bear the names of Third Judicial District judges. Baylor University was founded by another. Several of the court's judges have been members of higher courts, and all have been men of distinction.

In many ways, the history of the Third Judicial District is a study of the legal, political, and geographical evolution of Texas. The court has served in thirty-one Texas counties, and each of those counties points with pride to the accomplishment of the court and its judges. The minutes of the court reveal the daily life of the communities in which it was a participant. The names in the minute books are a roll call of the famous as well as the infamous, and are a reminder to us of the importance of the district courts in our society.

The district courts are the chief trial courts and the very cornerstone of the Texas judicial system. These courts have been involved, not only in settling disputes between persons, but also in interpreting the state constitution and, at times, even interpreting federal laws and the federal constitution. Their history is one of steady growth from meager beginnings.

The early District Courts are remarkable, not only for the quality of their jurisprudence, but simply for the fact that they were able to operate at all. Richard Walker, Judge of the Third District Court from 1877-1879, spoke of the incredibly difficult problem of finding common ground upon which to work: "Questions of interstate law . . . were necessarily the result of peopling a country from every state in the union. Indeed, ingenuity, itself, can hardly invent any additional elements for complicating the perplexing and difficult varieties of legal responsibilities with which the bench and bar had to contend. I know of the settlement of no country in the world where the conditions have been so exacting and so difficult to administer the law as those which prevailed in the early history of Texas . . . a people transplanted to a new country found themselves surrounded with conditions novel, unprecedented, and were bound neither to a previous policy nor influenced by precedent or tradition."

Complicating this situation was the fact that, "in most of the counties but few books were accessible to the bench and bar, forcing both alike to habits of self-reliance . . . and which involved the habit of resolving every question upon the most thorough analysis of those legal principles which a solution of it required. The conditions of successful advocacy often depended upon the amount of light which the lawyer could supply from the laboratory of his own mind, and his ability to manifest the correctness of the theory of his case by his power for its logical demonstration."

The district courts of Texas not only survived these dilemmas, they prevailed. Judge Walker notes their special place in the lives of early Texans: "The sessions of the district courts in those early days were bi-annual epochs in most of the counties of the state; the entire population looked to these events as an intellectual, political, and social, as well as a legal festival at which, irrespective of personal interest in attending court, they were to meet old acquaintances, hear political discussions, and to be instructed and entertained in hearing the trials of causes in the courthouse . . . It is handed down among the traditions of the past, that in those days, in the humblest log courthouses, and oft times under the shade of a spreading oak, were heard legal efforts which have not been equaled in these later days."

One common factor in the early history of the District Courts was the attitude of fierce independence of the participants—so typical of the early Texas settlers. These early litigants wanted to be able to express that independence through the courts—and they frequently did. And yet, it is the fact that the district courts throughout their history have tried the case and not the individual that has given these courts their strengths and their longevity.

The influence of the district courts on the development of the state can hardly be overstated, even though the vast majority of Texans are seldom aware of their decisions or of how those decisions will ultimately affect their lives. Those persons who find themselves a part of this judicial process—as parties, witnesses, jurors, attorneys, or judges—participate in an increasingly rare event. In no other governmental context does an individual have the opportunity to take a problem to a decision maker who represents the full force and power of that particular branch of government. This direct interchange between the individual and the state is the very heart of the American democratic process.⁸ The district courts enable the individual, regardless of background or circumstance, to invoke the rule of law, i.e. to call upon all the forces of government if need be to consider the matter that he brings.

Throughout their history, the district courts, have been a reflection of the times. The courts have codified the beliefs of the people as, under the courts' jurisdiction, the law has been subjected to the constant scrutiny of parties, witnesses, juries, judges, and attorneys. Thus the district courts are, and have been, a marvelous vehicle for change or conservation, depending on the forces of society. These evolutionary forces have been channeled by the judges who direct these courts and who have, over the years, insured that the district courts meets the high standards required and expected by all the citizens of Texas. The process continues today.

Throughout Judge Lawrence's life in Palestine he has been a stalwart activist in the community he helped shape and nurture. In the Palestine Rotary Club, the American Heart Association, the Salvation Army, the Howard Gardner Post No. 85 of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, Judge Lawrence has contributed his time, his talent, his wisdom, and his resources to better the world in which he lives.

Judge Lawrence shared his life with Evelina Martin of Apple Springs, TX, from their marriage in 1949 until her death and, since 1993 with his wife, Layneigha Chapman.

Today, Judge Lawrence returns to private life. It is a much deserved retirement for him, but an inestimable loss to those of us who so admire and value his long and honorable service of justice in his beloved Third Judicial District.

No matter how distinguished his successors, Judge Rayburn Wayne Lawrence will always be a guiding presence in that courtroom and in the dispensing of justice everywhere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, today.
Mr. RIGGS, for 5 minutes each day, today and on November 8.

Ms. ROS-LEHTINEN, for 5 minutes, on November 7.

Mr. SMITH of Michigan, for 5 minutes each day, today and on November 8.

Mr. DIAZ-BALART, for 5 minutes each day, on November 7 and 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.
Mr. LANTOS.
Mr. BONIOR.
Mr. PASTOR.
Mrs. SCHROEDER.
Mr. CLEMENT.
Mr. HOYER.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SHAW.
Mr. RADANOVICH.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. BECERRA.
Mr. MARKEY.
Mr. HILLIARD.
Mr. SCHAEFER in two instances.
Mr. ROTH.
Mr. PAYNE of New Jersey.
Mr. RAHALL.
Mr. MOAKLEY.
Mr. SHAW.
Ms. HARMAN.
Mr. CLAY.
Mr. HAMILTON.
Mr. ROHRBACHER.
Mr. PACKARD.
Mr. MORAN.
Mr. HINCHEY.

Mr. CONYERS.

Mr. KIM.

(The following Member (at the request of Mr. BRYANT of Texas) and to include extraneous matter:)

Mr. BURTON of Indiana.

ADJOURNMENT

Mr. BRYANT of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, November 6, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1587. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to renew lease of one naval vessel to the Government of Brazil, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1588. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1589. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1590. A letter from the Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1995, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

1591. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1592. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's final environment impact statement [FEIS] on the effects of implementation of the expanded east coast plan [EECP] over the State of New Jersey, pursuant to Public Law 101-508, section 9119(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

1593. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled "Transportation Security" for calendar year 1994, pursuant to Public Law 101-604, section 102(a) (104 Stat. 3068); to the Committee on Transportation and Infrastructure.

1594. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting the Commission's report entitled "The Chicago Report," pursuant to 42 U.S.C. 1975; jointly, to the Committees on the Judiciary and Economic and Educational Opportunities.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 17, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEUTSCH (for himself and Mr. GIBBONS):

H.R. 2575. A bill to amend the Sugar Price Support Program to establish a special assessment for raw cane sugar marketed from production in the Everglades production area in the State of Florida to be used for restoration of the Everglades ecosystem; to the Committee on Agriculture.

By Mr. GILMAN:

H.R. 2576. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. EWING (for himself and Mr. LAHOOD):

H.R. 2577. A bill to amend the Soybean Promotion, Research, and Consumer Information Act to reinstate the right of soybean producers to demand and receive refunds of assessments imposed on producers under the act, to require a referendum on termination of the soybean research and promotion order issued under the act, and to require additional referendums at the request of a simple majority of soybean producers; to the Committee on Agriculture.

By Mr. MOAKLEY:

H.R. 2578. A bill to clarify the provision of section 3626(b) of title 39, United States Code, defining an institution of higher education; to the Committee on Government Reform and Oversight.

By Mr. ROTH (for himself, Mr. SKELTON, Mr. CLEMENT, Mr. PETRI, Mrs. MORELLA, Mr. FRAZER, Mr. GEJDENSON, Mrs. LINCOLN, Mr. ABERCROMBIE, Mr. OXLEY, Mrs. VUCANOVICH, Mr. ZELIFF, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. DIXON,

Mr. ROEMER, Mrs. SEASTRAND, Mr. MCCOLLUM, Mr. PICKETT, Mr. OBERSTAR, and Mr. FARR):

H.R. 2579. A bill to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself and Mr. CONYERS)

H.R. 2580. A bill to guarantee a republican form of government to the States by preventing paramilitary violence; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2581. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office; to the Committee on House Oversight.

By Mr. KIM:

H.R. 2582. A bill to designate the Republic of Korea as a pilot program country for 1 year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. MARTINEZ:

H.R. 2583. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to prevent the construction of a thermal destruction facility at the OII site east of downtown Los Angeles unless the local community agrees to the location; to the Committee on Commerce.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 2584. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of simple retirement accounts, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. OBERSTAR.
H.R. 357: Mr. DOYLE.
H.R. 359: Mr. WELLER.
H.R. 387: Mr. SENSENBRENNER.
H.R. 528: Ms. RIVERS, Mr. SANFORD, Mr. HINCHEY, and Mr. BONIOR.

H.R. 732: Mr. MILLER of Florida.

H.R. 861: Mr. WELDON of Florida.

H.R. 864: Mr. SPRATT.

H.R. 891: Ms. LOFGREN and Mr. OWENS.

H.R. 1090: Mr. WELDON of Florida.

H.R. 1404: Mr. DEFAZIO, Mr. SKAGGS, Mr. SCHIFF, Mr. NEAL of Massachusetts, and Mr. PAYNE of New Jersey.

H.R. 1546: Mr. RUSH.

H.R. 1612: Mr. SHAYS.

H.R. 1640: Mr. FRISA and Mr. HERGER.

H.R. 1787: Mr. ROYCE, Mr. COBURN, Mr. MARTINEZ, and Mr. DELAY.

H.R. 1884: Mrs. CLAYTON, Mr. GENE GREEN of Texas, and Mr. EVANS.

H.R. 1893: Mr. GEJDENSON, Ms. MOLINARI, and Mr. CRANE.

H.R. 1946: Mr. ISTOOK, Mr. WELDON of Florida, Mr. LIVINGSTON, Mr. BAKER of California, and Mr. BARRETT of Nebraska.

H.R. 1972: Mr. BARCIA of Michigan, Mr. McKEON, Mr. ANDREWS, Mr. COBURN, Mr. BARTON of Texas, Mr. BONILLA, and Ms. HARMAN.

H.R. 2071: Mr. JEFFERSON.

H.R. 2090: Mr. FRANKS of New Jersey.

H.R. 2098: Mr. GOSS.

H.R. 2132: Mr. BISHOP.

H.R. 2185: Mr. UNDERWOOD, Mrs. CLAYTON, Mr. DELLUMS, Mr. FOGLIETTA, Ms. LOFGREN, Mrs. MINK of Hawaii, Mr. MILLER of California, Miss COLLINS of Michigan, Mr. EVANS, Ms. BROWN of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. FRAZER, Ms. DANNER, and Mr. FAZIO of California.

H.R. 2214: Ms. PELOSI.

H.R. 2216: Mr. SENSENBRENNER.

H.R. 2338: Mr. JEFFERSON.
H.R. 2429: Mr. HINCHEY and Mr. BROWN of Ohio.

H.R. 2447: Mr. WAMP and Mr. SMITH of Michigan.

H.R. 2507: Mr. CALVERT and Mr. DORNAN.

H.R. 2524: Mr. McDERMOTT.

H.R. 2540: Mr. STEARNS, Mr. ISTOOK, Mr. BLUTE, Mr. SAM JOHNSON, Mr. YOUNG of Florida, Mr. CALLAHAN, Mr. WELDON of Florida, Mr. SHADEGG, Mr. GUTKNECHT, Mr. CALVERT, Mr. SMITH of Texas, and Mr. CHRISTENSEN.

H.R. 2550: Mr. CONDIT, Mr. PARKER, Mr. SMITH of Texas, and Mr. WELDON of Florida.

H.R. 2565: Mr. HOUGHTON.

H.R. 2572: Mr. WISE and Ms. PELOSI.

H. Con. Res. 79: Mr. BARRETT of Wisconsin.
H. Res. 220: Mr. GEJDENSON and Mr. LA-FALCE.