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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. SUNUNU].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 1997.

I hereby designate the Honorable JOHN E. SUNUNU to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. GIBBONS] for 5 minutes.

VOTE ''NO'' ON MOVING NUCLEAR WASTE TO NEVADA

Mr. GIBBONS. Mr. Speaker, I come here after reading an early morning report in the Congressional Quarterly that a House bill moving nuclear waste to Nevada is rapidly moving to the House floor for consideration of passage. Before House Members consider this bill, I would like to address two issues, the first being that the Senate companion bill to this, Senate bill 104, was narrowly passed in the Senate and will be vetoed by the President under his promise.

Second is the issue that I ask both sides of the aisle to consider, and that is the issue of safety; safety in that they should not vote on a bill that is going to move nuclear waste through their communities, endangering the lives, the health, and the safety of their constituents; throwing away a vote on that issue, throwing away the lives and the health and safety of their constituents, just to prove a point.

Mr. Speaker, I would urge both sides of this House to vote no on moving nuclear waste to Nevada, House bill 1270, and I would issue this proclamation: that the Members should consider that their constituents should come first, that their safety and their lives are at issue here.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning, and certainly to ask the President to disallow portions of the State of Texas welfare reform plan that includes the Texas Integrated Eligibility System, TIES, or which would allow the State to privatize the eligibility determination for social services.

All of us remember very vividly the vigorous debate on welfare reform that this Congress engaged in. At the crux of that issue was the ability to help Americans move from welfare to work. It was a recognition, as I recognized in my own 18th Congressional District, that many of those on welfare wanted to move from welfare to work, and looked forward to the additional job training and opportunity to be able to work and contribute to their own livelihood.

In the State of Texas alone, it has 690,000 recipients of its Aid to Families and Dependent Children, and 1.4 million recipients of food stamps as well. The process that we presently use in the Texas Department of Human Services. Many professionals, social service professionals and social workers, have worked in that effort for many, many years. In the process of welfare reform, not only does Congress but the State itself and the legislature and the Governor recognize that we could do it better. We do not disagree with that, that we could make it more efficient, more effective, and certainly more responsive.

The TIES Program does not do that. It puts in a profit mode with a private company the whole concept of eligibility determination. That means when a mother or a dependent who needs welfare comes to an office, they deal with a cold and uncaring professional, someone whose basic motive is profit, and may be given incentives for how many individuals you deny in getting the need that they have to have.

In the 18th Congressional District alone, there are 109,596 women, infants, and children who receive WIC services, a basic nutrition program that has proven itself to be supportive of the early growth of our children. This means that in Harris County, TX, there are 12,917 pregnant women, 5,259 breastfeeding mothers, 9,448 postpartum mothers who have recently given birth who may be in need of these social services, and 29,000 infants and 52,000 children. It is inappropriate to leave their destiny in the hands of a computer.

Even just recently the Legislature in the State of Texas said that they were concerned that the executive branch might have gone too far in implementing what we authorized in the welfare reform bill. This legislation makes it clear that the legislature retains authority to make these decisions, and makes it clear in statute that the intention is to pursue privatizing only

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the automation part, not the intake part, not the sensitivity part, and not to, overall, castigate the thousands of State employees who over the years have been particularly sensitive to the intake process, asking the hard questions and trying to find solutions to those who have problems and who need welfare.

Finding out eligibility is not only in numbers and statistics, it is funding out the problems, the source of the need, why this person is in your office, who else can help them, why do they need to be on welfare. Maybe they only need to be on for a short period of time. A machine and a private company with an incentive for profit only cannot make this system work.

There may be some effort this week to add to the supplemental appropriations bill an amendment to approve this privatized system under the Texas welfare reform package. This should not be approved, for we should have a vigorous debate on the best way to provide efficient, safe, and productive services to the least of those who are in need in our country. Welfare reform, yes, but a totally incentive-based program profit-motivated, to the detriment of women and children and the elderly who need our care and consideration, that is absolutely wrong.

I would hope, first of all, that my colleagues will vote against any amendment that would offer to approve this system, and I would ask the President to disallow this particular provision, for it does not answer the question of efficiency in automation, but it really responds to the question of profit and profit incentive, and it eliminates, as I said, thousands of very valuable State employees who are trained professionally to answer these questions and concerns of the most needy.

We can have welfare reform. Let welfare reform be the kind of welfare reform that responds to the needs of all Americans.

CONGRATULATING FORT BENNING FOR BEING NAMED 1997 ARMY COMMUNITY OF EXCELLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia [Mr. COLLINS] is recognized during morning hour debates for 5 minutes.

Mr. COLLINS. Mr. Speaker, it is with great pride that I rise today to recognize Fort Benning, GA, the ''home of the infantry'' and the Army's premier installation, for being named a 1997 community of excellence.

On May 2, Fort Benning was awarded the Commander in Chief's Award for the third time in the last 4 years. This award is given annually to recognize the best Army installation in the world. Additionally, on May 1 Fort Benning was awarded the Chief of Staff Army Award for the fifth consecutive year. This award recognizes the best Army installation in the Continental United States. Fort Benning is also the sole nominee of the 1997 Presidential Award for Quality as the Best Agency in the Federal Government.

These awards are indicative of both the ability and professionalism of the tens of thousands of soldiers that pass through Fort Benning's gate each and every year, and of the successful partnership that has been developed over the years between Fort Benning and the Columbus, GA, and Phenix City, AL, districts.

No military facility can be fully effective without developing a positive relationship with the local community. Fort Benning has accomplished this, and has developed a military-civilian team that is unmatched in efficiency and effectiveness.

In spite of the fact that the military population of Fort Benning is in a continuous state of transition, the installation has been able to maintain its high standards of quality. This is, in large part, thanks to nearly 7,000 civilians who work behind the scenes to advance Fort Benning's mission. These are individuals, like Sarah McLaney, Fort Benning's Army Community of Excellence coordinator, who has seen the facility receive the Commander in Chief Award under three different commanding generals. Dedicated workers like Sarah have been instrumental not only in achieving Fort Benning's military mission, but also in development of strong ties that bind Fort Benning with the Columbus and Phenix City communities.

General Ernst and his able staff have further reinforced Fort Benning's longstanding commitment to military quality, focusing on the watchwords ''First in training, first in readiness, and first in quality of life.'' Fort Benning soldiers constitute a cornerstone of our Nation's Armed Forces.

Since 1918 Fort Benning has operated the world's foremost military institutional training center. As the home of the infantry, Fort Benning's mission is to produce the world's finest combat-ready infantrymen, to provide the Nation with a power projection platform capable of rapid deployment, and to continue the Army's premier installation and home for soldiers, families, civilian employees, and military retirees. This mission is achieved with distinction on a daily basis.

While the infantry remains the central focus of activity at Fort Benning, a number of other types of units have been added over the years, enhancing the ability of the installation to accomplish its mission.

In addition to being home of the infantry, Fort Benning now houses the Airborne School, the Army Ranger School, the 29th Infantry Regiment, a training unit for the Bradley fighting vehicle, the 36th Engineer Group, and the U.S. Army School of the Americas. Each of these units work tirelessly to defend our national interests around the world and to serve our communities at home.

To the military and civilian personnel of Fort Benning, I offer my sincere thanks and congratulations for a job well done.

TRIBUTE TO PETER TALI COLEMAN, FORMER GOVERNOR OF AMERICAN SAMOA AND PACIFIC ISLAND LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to Peter Tali Coleman, former Governor of American Samoa and highly regarded Pacific Island leader who passed away on April 28 and was buried last Saturday in Hawaii. He was 77 years of age.

He served as the first popularly elected Governor of American Samoa, was elected again in 1988, and also had the distinction of being Samoa's first and only federally-appointed native-born Governor in the 1950's. His appointment by the Eisenhower administration made him one of the first islanders to serve as the head of a government anywhere in the Pacific, along with Joseph Flores from Guam.

After his appointive term in American Samoa ended, the Governor spent nearly 17 years in the U.S. Trust Territory of the Pacific Islands where, as the first Pacific Islander to head the governments of what are now the Republic of the Marshall Islands from 1961 to 1965, and now the Commonwealth of the Northern Marianas Islands, 1965 to 1969, he is believed to be the only Pacific Islander to have headed 3 of the 21 governments of what is now considered the modern insular Pacific. He was also the first U.S. citizen ever to have been awarded an honorary Marshall Island citizenship, an honor accorded to him by a special act of the Nitijela, the Marshalls' Parliament.

During the Nixon administration Governor Coleman was appointed deputy high commissioner of the Trust Territory, the second-ranking position in the central Government of Micronesia. While in Micronesia, he and his wife were the only Americans invited to participate in a private ceremony sponsored by the Japan-based Association of Bereaved Families, in recognition of his efforts to repatriate to Japan the remains of World War II servicemen who died in action on Saipan.

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Upon the resignation of the High Commissioner, Coleman was appointed as his successor in an acting capacity. A widely recognized regionalist, Governor Coleman was active in numerous Pacific organizations throughout his public career. He was a member of either the United States or American Samoa delegations to the South Pacific Conference nine times between 1958 and 1992 and was head of the delegation to the Conference annually between 1980 and 1984, except for 1982

when he both hosted and chaired the conference in Pago Pago.

At a special SPC meeting in Canberra, Australia, in 1983 and later that year at the conference in Saipan, Coleman was a leading voice in the debate which eventually led to equal membership in SPC for Pacific territories. A founding member of the Pacific Basin Development Council, Coleman was also the first territorial Governor to be elected president of that organization in 1982 and served a second term in 1990.

Peter Tali Coleman was born on December 8, 1919, in Pago Pago, American Samoa, where he received his primary education. He graduated from St. Louis High School in Honolulu, joined the National Guard, and then enlisted in the U.S. Army at the outbreak of World War II. Assigned to the Pacific during the war, he was stationed in the Solomon Islands and Vanuatu in addition to Hawaii, ultimately rising to the rank of captain.

Professionally, as an attorney, he was a member of the bars of the U.S. district court, U.S. Court of Appeals for the District of Columbia, the U.S. District Court in Hawaii, and the High Courts of American Samoa and the old Trust Territory of the Pacific Islands, as well as the Supreme Court of the United States. Granted an honorary LLD by the University of Guam in 1970 when he was cited as ''Man of the Pacific,'' he also received an honorary doctorate from Chaminade College in Hawaii.

Governor Coleman was a true Pacific hero whose service took him well beyond his native Samoa. He accurately saw himself as a developer of indigenous governments, bringing Pacific islanders to full recognition of their right to self-government and their capacity to implement the same.

Coleman was married to the former Nora K. Stewart of Hawaii, his wife of 55 years. Together they had 13 children, 12 of whom are living, 24 grandchildren and 8 great grandchildren. We will all miss him, and we all send his family our condolences.

CBO VERSUS OMB: WHO IS RIGHT?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, my point in coming to the well this morning is to talk about CBO and OMB. These are Beltway terms, I know. The Congressional Budget Office is the CBO; and the Office of Management and Budget Office is the OMB. OMB is used by the White House. That is their in-house accounting firm. The CBO is our in-house accounting firm here in Congress. We use it for out budget analysis.

I wish every Member had an opportunity this afternoon to listen to what I have to say because it brings great bearing on our debate today on the budget and for the remaining 2 or 3 months. In March 1996, with only 6 months left in the fiscal year, OMB projected that the deficit for fiscal year 1996 would be $154 billion. They were wrong, overestimating by almost 44 percent.

Now let us look at CBO. In May 1996, just 4 months remaining in the fiscal year, CBO anticipated the budget deficit for the year would be $144 billion. They too were wrong, overestimating by more than 34 percent. We went from 6 months to 4 months. Now let us go to 1 month and see if these folks are accurate.

With 1 month left in fiscal year 1996, both CBO and OMB estimated that the budget deficit for the year would be around $117 billion. The actual deficit for the year was $107 billion. Both agencies, despite the short period of anticipation, were off by 10 percent.

Mr. Speaker, in other words, neither CBO nor OMB could estimate the budget deficit for the year just 30 days, 30 days, prior to the end of the fiscal year. Yet despite these seemingly inexactitudes, politicians from both sides of the aisle consistently place great credence on these agencies' predictions, often going so far as to base America's entire fiscal policy on their estimates. Sometimes policies are enacted by employing the assumptions from these agencies for as long as the next 5 years in estimating budget data.

Mr. Speaker, if they cannot estimate the budget in 30 days, in 4 months, and in 6 months, how can we expect them to estimate over the next 5 years? CBO and OMB usually disagree sharply on their budget projections, and depending upon which side of an issue one is on, one side is either siding up with OMB or CBO.

In general, CBO is more pessimistic, OMB is more optimistic. Thus, siding with the CBO makes balancing the budget a more daunting task. Despite all of this, both agencies, as I am going to show, are typically wrong altogether. That is, they both err on the same side of the budget. Recently, both agencies have been too pessimistic, consistently overestimating the actual deficit. In the 1980's and in the 1990's, both agencies consistently underestimated the deficit.

Let us now go to the budget agreement that has been recently in the news. When viewed as part of the big picture, the two estimates are essentially identical. For fiscal year 2002, for example, the difference in deficit predictions was $52 billion. But given the odds that both will be off by about $300 billion, you know, it is really almost meaningless to talk about what they are projecting in 5 years.

Furthermore, the agencies' forecasts for the size of the national economy in the year 2002 are almost identical at 10.00, a trillion, for CBO, 10.087 trillion for OMB. To be blunt, Mr. Speaker, any discussion about who is right and who is wrong just does not make any sense given the magnitude of these figures especially when we are talking about a budget projection 5 years from now.

More interestingly than who is closer to right is often the fact that both of them have been essentially wrong and cannot even predict the budget within 30 days. It must be noted that a study of the two agencies' predictions over the last 20 years shows CBO to be closer to right more than OMB. So, perhaps CBO is the one we should follow, although I question that. Fortunately, CBO conducted a large majority of the study, so they had a higher percentage of opportunities to prove they were right.

So, Mr. Speaker, what is the point of all this, what is the lesson to be learned when we look at CBO and OMB and ask them to project out over 5 years? Well, both agencies are quick to point out that the differences between themselves are insignificant and are not good indication of future performance. And I do not know if past performance is a good indication of future performance.

The only certainty that we have this afternoon is that neither one will be absolutely right, and we as Members of Congress should not put a great deal of emphasis on these individual agencies because they both have been wrong. Let me conclude by saying economics is not an exact science and we have to rely on all of us to work together continually to reach a balanced budget and that is the only way we know to reduce the deficit.

NATIONAL HOME OWNERSHIP WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon on a particularly happy occasion. I am pleased to see my good friend and colleague, the gentleman from California [Mr. LEWIS], from the other side of the aisle here as well, because I think we come to talk virtually in unison about the same subject. We have just come from a press conference involving Democrats and Republicans to kick off National Home Ownership Week.

I want to thank the gentleman from California [Mr. LEWIS] for deciding to do so with a wonderful initiative here in the District.

The idea, let me be quick to say, is the idea of Representative JERRY LEWIS, who has come forward with an idea that is likely to win favor throughout the country and to be copied throughout the country. Instead of just celebrating National Home Ownership Week with a lot of rhetoric on the floor, true to form, Representative LEWIS would have us do something to indicate our commitment, our continuing commitment, to the proposition

that every family in the United States deserves its own home in which to live. So, in early June, Members of the House will help to build a house in the Capital of the United States.

I expect Members to rush back to their districts this year and next to try to carry out the idea of the gentleman from California [Mr. LEWIS] all over this country. If the spirit of Hershey is alive anywhere, it will be alive, and I believe the date is June 6, when I urge Members from both sides of the aisle to follow the lead of Mr. LEWIS and come to the southeast section of Washington and help us build the house that Congress built.

If Hershey is alive, it will be alive on June 6. If Philadelphia, where the President and where President Bush as well came forward to promote voluntarism, if voluntarism that they promoted is alive as well, it will be alive in June with this action, which should inspire similar action around the country.

Habitat for Humanity is where the expertise is. Here we have also an indication of how an organization can inspire Members to work together from both sides of the aisle, because when you have Representative NEWT GINGRICH and former President Carter working hard always for Habitat and bringing that partnership to Washington, we see bipartisanship at its best.

Habitat for Humanity has quietly been doing this work all over the District of Columbia and all over the country for a very long time, but its meaning is especially deep when Habitat decides to build a house with Members of Congress doing the building, hammering the nails. Posters and shirts with a wonderful design by Vanessa Compos, a fourth grader at a public school in the District, Hyde Elementary School, will be worn on that day, and this poster will be shown all over the United States.

In the resolution sponsored by Mr. LEWIS, there is an important line, among many, ''Whereas, the United States is the first country in the world to make owning a home a reality for a vast majority of families, however, more than a third of the families in the United States are not homeowners.''

Think about how marvelous it is that the average family does own its own home. And when you think about how far we have come, it becomes unthinkable to leave out a minority of families in rural and urban areas who have not yet been able to afford a home.

Affordable housing is not an oxymoron; it is something that this Congress on both sides of the aisle, together with the private sector, know we can make a reality. It is remarkable what we have done. We cannot slide back to where youngsters now wonder if they too can have the kind of home ownership that their parents have. We know they can. When the Congress of the United States moves forward to make the point, even metaphorically, we send a powerful message.

I want to thank the gentleman from California [Mr. LEWIS] as well for reminding us at the press conference that the District of Columbia is one of the Congress' five priorities, not simply building homes, but rebuilding the city itself. It is my hometown, but it is your Capital. The Control Board, together with the city, are making incredible progress starting from the ground to build up. The way to build up for the average family is for Congress to go forward on June 6 offering to do what all of us can do who work together. I thank the gentleman from California [Mr. LEWIS].

THE HOUSE THAT CONGRESS BUILT RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. LEWIS] is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I want to express my special appreciation to the gentlewoman from Washington, DC, Ms. ELEANOR HOLMES NORTON, my Congresswoman, for most Members live in the Capitol city when Congress is in session. The gentlewoman mentioned an initiative announced earlier in the day, when we were joined by Speaker NEWT GINGRICH, my colleague, the gentleman from Ohio, LOU STOKES, as well as the founder and President of Habitat for Humanity, Millard Fuller. Also, two very special families gathered at that session to celebrate the initiation of an important event in the history of the Congress and the District of Columbia.

These bipartisan leaders gathered to announce their intent to build ''the House that Congress Built,'' in a unique partnership involving Congress, Housing Secretary Andrew Cuomo, leaders of the National Partners and Homeownership, and others.

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On June 5, 6, and 7, 1997, these leaders will begin construction of two Habitat for Humanity homes in Southeast Washington. Each ''House that Congress Built'' is a powerful symbol demonstrating the commitment of a bipartisan Congress and numerous organizations to one common goal: providing a decent and affordable home for every American family. It is also an appropriate way to kick off National Homeownership Week, which extends from June 7 through June 14, a campaign to emphasize local and national efforts to make the American dream of living in a home a reality.

''The House that Congress Built'' is supported by the National Partners in Homeownership, an unprecedented public-private partnership of organizations working to dramatically increase homeownership in America. Presently this partnership consists of 63 members representing real estate professionals, home builders, nonprofit housing providers, as well as local, State, and Federal levels of government. The goal of this partnership is to achieve an all-time high of homeownership of 67 percent of all American households by the end of the year 2000. There is still much work to be done.

This effort is only possible because of the inspiring work of Millard Fuller, the founder and president of Habitat for Humanity International, who has built over 20 years a worldwide Christian housing ministry. Since its creation in 1976, Habitat for Humanity and its volunteers have built homes with 50,000 families in need in more than 1,300 cities and 50 countries. As a result of Mr. Fuller's vision, more than 250,000 people across the globe now have safe, decent, affordable homes.

In Philadelphia recently, President Clinton, President Bush, retired Gen. Colin Powell and others gathered together to salute the spirit of volunteer service that exists in this country. No other organization better illustrates this spirit than Habitat for Humanity. Habitat is an organization that brings people together. Its volunteers are as diverse as the people who live in the United States itself. Most important, Habitat for Humanity promotes what Millard Fuller describes as the theology of the hammer, namely, putting faith and love into action to serve others.

In this case, the theology of the hammer will be applied to assist two very special, soon-to-be homeowners, Marlene Hunter and her family, and Mary Collins and her family. Even before the first nail has been driven, Members of Congress, corporate sponsors and these families have made a commitment that will be fulfilled as these two homes are built this summer entirely by Members of Congress and their staff.

I want to thank my colleagues, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Ohio [Mr. STOKES], the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] for their commitment to this unique effort and for joining me in introducing this resolution today. Beyond that, I hope my colleagues and their staff will join us throughout Homeownership Week and throughout the summer to complete the project well before ribbon-cutting time early in the fall.

FEDERAL RESERVE AND INTEREST RATES

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, few issues are as important as those policies of the Federal Reserve that affect American money. Policies of the Federal Reserve can determine whether

there is high inflation or low inflation. Those policies can determine as well whether we can influence interest rates both in the short as well as in the long term.

Sound monetary policies can create a framework favorable to economic growth, while policies that permit inflation to take place undermine economic growth. We are all concerned about job creation. We are all concerned about good wages. And it is primary to the policies that come out of the Federal Reserve as to whether or not those issues are able to take place.

Over the last few months I have released a number of studies on Federal Reserve policy in my capacity as chairman of the Joint Economic Committee. We call the committee the JEC. These studies explain the reasons why inflation or the lack of it, known as price stability, should remain as the central focus of Federal Reserve policy. According to this research, the Federal Reserve's anti-inflation policy has worked well over the last few years. However, more recently, I have had some disagreements with the Fed about price stability and how it should be implemented.

Is inflation taking place? It does not look so. But our JEC research suggests that, if there is inflation, it should be visible in real terms, in price measures such as the Consumer Price Index, which indicate today no inflation or no appreciable inflation. It should also be evident in prices of raw materials like commodity prices. It should also be evident in the value of the dollar as opposed to the German mark or the Japanese yen. It does not seem like there is any inflation there. And it should be evident in bond yields.

Now, according to these price measures, there is no real evidence of inflation to justify Federal Reserve increases in interest rates. Yet the Federal Reserve seems to view economic growth itself as potentially inflationary. Now, imagine that for a minute, economic growth as being bad because economic growth means inflation. I do not think that is true.

Based on our research, in fact, the JEC has done, I have opposed the increase in interest rates announced by the Federal Open Market Committee of the Fed on March 25. According to price measures used by the Joint Economic Committee, there is no indication of inflation justifying this increase in interest rates. For the same reason, I do not think the evidence would support an increase in interest rates at the FOMC next Tuesday.

In connection with this research, I have also suggested that more openness is needed with Fed policy. Why should we as members of the public be trying to guess about what they are going to do? It creates instability. It creates guessing. People should not have to make investments based on their best guess. They should do so for good sound reasons.

Having to guess about Fed policy is not good for our economy.

In conclusion, there is no substantial evidence of inflation to support Federal Reserve action to raise interest rates. I am extremely supportive of the objective of price stability. Nobody wants inflation. But I do not agree with those at the Fed who tend to view economic growth itself, economic growth itself as potentially inflationary.

Furthermore, Federal Reserve efforts to be more open and transparent should be encouraged and continued.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2:00 p.m. today.

Accordingly (at 1 o'clock and 7 minutes p.m.) the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. PEASE] at 2 p.m.

PRAYER

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

We offer our thanks and praise to You, O gracious God, for all of those gifts of life that make our days worthwhile and our relationships more meaningful. On this day we are especially aware of the blessings of joy and happiness that can come from Your hand and which we can share with each other. In spite of the difficulties of every decision, and the anxieties associated with every day, we are delighted that we can experience the elation and jubilation that comes when these special gifts brighten our vision and give us new horizons on which to focus. May joy and happiness brighten our lives and may Your benediction, O God, never depart from us. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. WICKER] come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 1997.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, May 9, 1997 at 10:34 a.m.:

That the Senate passed without amendment H. Con. Res. 25

That the Senate passed S. Con. Res. 26

That the Senate appointed Commission on Maintaining U.S. Nuclear Weapons Expertise

That the Senate appointed Board of Visitors of the U.S. Coast Guard Academy, and

That the Senate appointed Board of Visitors of the U.S. Merchant Marine Academy.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

TRIBUTE TO MARGARET MARTIN BROCK

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

Mr. DREIER. Mr. Speaker, it saddens me to inform the House that this past Saturday, America lost noted philanthropist and political activist, Margaret Martin Brock.

Margaret Brock was a leader in education, civic organizations and in State and national Republican politics. She was a close personal friend of five U.S. Presidents and served proudly as a member of Ronald Reagan's kitchen cabinet. She was a confident and counselor to officeholders throughout the Nation, many here in the Congress who benefited from her encouragement, support, political insight, and friendship.

Her genuine interest was in young people. She actively sought out and helped many students further their education. She believed that her investments in young people, especially through funding of scholarships, were investments in the future of our country. She was a strong supporter of my alma mater, Claremont McKenna College, Pepperdine University, and the University of Southern California, in addition to her own Mt. Vernon College located here in our Nation's Capital.

She was proud to be a native Californian and throughout her life contributed to the betterment of our State. She actively supported the Los Angeles Mission, Salvation Army, Goodwill Industries, and the Boy Scouts of America. She was a founding member of the Los Angeles Music Center and a founding member of the Junior League of Los Angeles.

Margaret Brock's generous encouragement led many of us to choose public service. Her support of higher education and the Republican Party leaves

a legacy that will continue for generations to come.

NAFTA IS NOT WORKING

(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, the White House says NAFTA is creating new and exciting jobs. I did some research on those jobs: zipper trimmer, brassiere tender, jelly roller, bosom presser, chicken sexer, sanitary napkin specialist, and a pantyhose crotch closer machine operator. That is what I call exciting jobs, Mr. Speaker.

According to the Philadelphia Inquirer, they are so great that 90 percent of the American workers are literally worried sick about losing their jobs and losing their homes. Beam me up. I say NAFTA is working for Mexico, Chile, Canada, yes, even Japan and China. Think about it.

With that I yield back all the balance of those unsexed chickens.

BALANCED BUDGET AGREEMENT IS GOOD NEWS

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

Mr. GIBBONS. Mr. Speaker, when politicians get together and tell me what a wonderful job they are doing, I start to get nervous. But every once in a while, people on both sides of the aisle do manage to arrive at a good agreement.

Now, of course, the media will be annoyed; they need conflict. In fact, it is great fun watching the media desperately search for conflict in the balanced budget agreement that was reached between President Clinton and Congress. Even though the media hates good news, the good news needs to be reported.

The story that must be reported is that this balanced budget agreement is a win for every American family. It contains permanent tax relief, it contains the largest entitlement reform in history, it expands Medicare choices for seniors, it balances the budget for the first time since 1969. In a town where good news is sometimes hard to find, let us go forward and pass this historic agreement and send a little good news to American families.

RESTORE WIC FUNDING

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

Ms. DELAURO. Mr. Speaker, I rise today to urge my colleagues on the Committee on Rules to support an amendment to restore the full $76 million needed for the women, infants and children program. Let me make three important points about this funding.

WIC is a program that works. If we restore the $38 million today, we will actually save the Federal Government over $100 million down the road. Second, the States, not the administration, not the Democrats in Congress, the States say that they need this money or else they will be forced to remove women and children from the WIC Program.

Finally, let us remember the values that made this Nation great. We simply cannot in good conscience take food off the breakfast tables of the most vulnerable members of our society. I urge the Committee on Rules to allow this amendment. I urge my colleagues to restore the full amount of the President's authorization for women, infants, and children in this country.

DEFICIT SPENDING BAD HABIT NEEDS TO BE BROKEN

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

Mr. JONES. Mr. Speaker, bad habits are hard to break. In fact, the longer one engages in a bad habit, the harder it is to break.

Deficit spending is an excellent example of a bad habit. Deficit spending means spending more money than we have. This is what the Government does year after year. If we add up all of the deficit, we will find out that the national debt now stands over $5 trillion.

Washington has not managed to balance the budget since 1969. The tragedy in this is that the politicians who vote to run up deficits year after year are not the ones who suffer the consequences of their spending habits. Who suffers the consequences? You guessed it. Future generations, our children and grandchildren, the children are stuck with the debt. That is not right, that is not fair to children growing up today who deserve the same opportunities that we have.

Mr. Speaker, it is time to break the bad habit. It is time that this Congress pass a balanced budget.

BALANCED BUDGET AGREEMENT PLEDGE FOR BETTER TOMORROW

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

Mr. WICKER. Mr. Speaker, let's see if I have this straight. We are supposed to be impressed that the Government is not going to spend more money than it has. We are supposed to rejoice that Government is not going to make our $5 trillion national debt any worse. I am supposed to brag to my constituents that Washington is finally going to balance the budget.

Well, Mr. Speaker, by Washington standards, a balanced budget is a cause for celebration. Balancing the budget should not be a big deal, it should not be treated as some great achievement, but I must say after 30 years of an ever-expanding welfare state, balancing the budget is no mean feat. Balancing the budget, which to millions of Americans is nothing but common sense, is extraordinary in a town that has seen budget deficits since 1969.

This new balanced budget agreement is proof of two things. First, the new Republican Congress is serious about its pledge to make Government live within its means; and second, deficit spending does not have to be a way of life. That is a cause for celebration.

HISTORY OF DALLAS, GA

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

Mr. BARR of Georgia. Mr. Speaker, yesterday I had the honor of appearing in Dallas, GA at a ceremony marking the 145th anniversary of this beautiful and wonderful community located in the heart of the 7th District of Georgia. Dallas, GA is named after a distinguished American, George Mifflin Dallas, a former U.S. Senator and Vice President of the United States under President Polk.

Dallas, GA has a quality of life, Mr. Speaker, that is an envy of communities all across America and around the world. This is especially true under the leadership of our current mayor, Mr. Boyd Austin, just recently and very appropriately named citizen of the year by the Paulding County Chamber of Commerce.

I rise today to honor this great American community whose greatest days lie yet ahead, Dallas, GA.

TIME TO BITE THE BULLET FOR BALANCED BUDGET

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

Mr. CHABOT. Mr. Speaker, why is it so important to balance the budget? I get that question quite a bit when I speak to school groups back in my district.

Well, it is a fair question. After all, the economy has been doing OK lately and we have not had a balanced budget. Perhaps the best way to answer this question is to consider a person using a credit card who spends a little bit more than he makes each month. Every month when the bill comes, he pays off part of it, maybe just the minimum amount possible. Well, he can keep that up for a while, but eventually the mounting debt will overwhelm him and threaten his standard of living. The interest payments he is required to make each month just keep getting bigger and bigger.

Well, that is exactly what has happened to the Federal Government. A $5 trillion debt that we have, unbelievable. It is time to get a grip. We need to balance the budget and start putting our financial house in order before it is too late.

Let us cut the tax rate on the American people. The people of this country are overtaxed. Let us do something about it and let us do it now.

OPPORTUNITY FOR BALANCED BUDGET IS HERE

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

Mr. HUTCHINSON. Mr. Speaker, for a lot of us conservatives, the key question we are asking about the balanced budget agreement between Congress and the President is whether the agreement on the whole represents a step forward or a step backward. Does this bipartisan compromise bring us closer or farther away from our goals to balance the budget, provide tax relief for American families, and reduce the size of government?

Mr. Speaker, this is not a decision that I take lightly. I would like to see deeper tax cuts, more substantial entitlement reform, and more reductions in domestic spending. Nonetheless, we should not underestimate the opportunity this budget agreement represents.

Unlike past budget agreements that promised to balance the budget, with a Republican Congress, this one actually will. It contains permanent tax cuts, it takes a first step toward entitlement reform, and this represents a step forward.

I compliment the budget negotiators and look forward to receiving the details of this plan.

BALANCED BUDGET AGREEMENT IS SOLID FIRST STEP

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

Mr. PITTS. Mr. Speaker, as a member of the House Committee on the Budget, I rise in strong support of the balanced budget plan of 1997. After months of unceasing work, the Republican majority has delivered a balanced budget plan where every American wins.

While all the details have not been worked out yet, like the level of funding for transportation, this agreement is a solid first step in the Republican goals of balancing our budget, reducing the size and scope of the Federal Government and providing permanent tax relief for American families.

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With this agreement, American families will pay $135 billion less in taxes over the next 5 years. It will save Medicare for seniors, produce approximately $700 billion in entitlement savings over the next 10 years, and finally, ensure that every American benefits from the economic boon of a balanced budget by 2002. That means lower interest rates, higher-paying jobs, and long-term economic growth.

Mr. Speaker, compromise is essential with divided government. I applaud those who achieve this compromise. I look forward to passing the balanced budget plan of 1997 and the accompanying bills, which will be a first step in getting our fiscal house in order.

DO THE RIGHT THING FOR WIC

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

Mr. PALLONE. Mr. Speaker, tomorrow the Republican leadership will have a chance to redeem itself and prove they are for America's children.

A few weeks ago in the Committee on Appropriations, Republicans largely voted to gut the women, infants and children's WIC nutrition program. Republican leaders denied the nutrition needs of approximately 880,000 at-risk children by not supporting the full funding request that was made by all 50 Governors and the administration.

Republican extremists are arguing that WIC does not need full funding. They would rather deny children their nutrition needs than make up the $38 million shortfall. Mr. Speaker, many religious and antihunger advocates such as Catholic Charities, U.S.A., have written me citing that WIC is effective, efficient, and cost-beneficial. They are urging Congress to be compassionate to children, and meet their needs.

Mr. Speaker, let us do the right thing and get our priorities straight as we go into the budget process. In order to accomplish that, we need to fully fund the WIC Program.

A BUDGET FOR THE TAXPAYERS

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

Mr. COOK. Mr. Speaker, I think the middle class has been getting a raw deal long enough. It should be getting easier to start a family and to buy a house, not harder. It should be getting easier to save for college tuition for your kids, not harder. It should be getting easier to make ends meet, not harder.

So what is the problem? The problem is simple. It is the fact that Congress has not been presenting budgets that are balanced, and it is because Congress has been presenting budgets that raise taxes. I think it is time Congress does exactly the opposite. I think it is time the middle class got a break, instead of giving all the breaks to the special interest groups.

That is why this balanced budget agreement should be ratified. It should be supported and voted on here in the House. It lets American families keep a lot more of what they earn, and it balances the budget for the first time since 1969.

This is a budget for the forgotten middle class. I think it is time to pass a budget for the taxpaying middle class.

A REALISTIC PROJECTION BY THE CONGRESSIONAL BUDGET OFFICE

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

Mr. SMITH of Michigan. Mr. Speaker, the budget agreement that has been pretty much accomplished is nobody's gift to the conservatives or the liberals. It has good news and bad news. We now have a Federal Government that has become very big, very large, very intrusive—taxing too much and borrowing too much. This budget agreement moves us in the right direction of reducing some of those huge tax increases of 1990 and 1991 and reducing spending over the long run.

I questioned the analysis of the Congressional Budget Office in coming up with a last-minute $225 billion. But in talking to CBO, they have predicted ups and downs, some recession in the economy, but the average estimated increase in the GDP over the next 5 years is 2.1 percent. Probably not overoptimistic.

I see some of the bad news as provisions in the agreement that only allows for a net tax reduction of $85 billion over the next five years. However for the good news, there will be a tax decrease, a tax cut, over the next 10 years of $250 billion.

Cut wasteful Government spending and we'll be moving in the right direction.

URGING MEMBERS TO READ AND CONSIDER ''LETTERS FROM A CHINESE JAIL''

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

Mr. COX of California. Mr. Speaker, for nearly 20 years the Chinese Government has sought to silence one of the great advocates of human freedom and democracy, Wei Jingsheng.

Wei recently published a book. It is out today. Viking Press has produced it. It consists largely of his letters from prison, where he has spent so much of his adult life, where he is today, assembled by people who believe in human rights around the world. The publication of this book in America has today prompted the Communist Chinese Government to say that we, by publishing Wei's book, are interfering with the independence of China's judiciary.

Wei Jingsheng is not a well man. He suffers from life-threatening heart disease. He has a neck problem that prevents him from lifting his head. All of this has developed as a result of the abysmal conditions that he faces in prison, where he was recently sentenced to another 14 years. He is due to be released in the year 2009, if he lives that long.

I hope all of us in Congress will remember Wei Jingsheng, buy his book and read it, as we deliberate on the important questions of human freedom that are before us today.

REFORMING THE WIC PROGRAM REQUIRES BIPARTISAN COOPERATION

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

Mr. RIGGS. Mr. Speaker, I heard the gentleman from New Jersey, our colleague, talk about the women's, infants' and children's program, so I wanted to take the floor just to explain for a moment that through the years the WIC Program, as it is known, has received strong bipartisan support from both Republicans and Democrats because of its effectiveness in reducing low weight births and reducing birth defects resulting from nutritional deficiencies during pregnancy.

The administration did request $76 million for additional enrollments in the WIC Program as part of the supplemental appropriations bill that will be on the floor tomorrow, and that bill actually contains half of the administration's request, $38 million.

I am going to offer an amendment to restore the other $38 million, but with a caveat, that being that later this fall in the committee that I chair on children, youth, and families, we are going to be looking at a number of structural and policy issues associated with this program, why it must have $100 million in carryover funds, why the administration has asked for an additional $100 million on our contingency funds in their 1998 budget request.

I hope we can get the same sort of bipartisan support and cooperation on the necessary policy reforms to the WIC Program as I suspect we will on my amendment to the supplemental appropriations bill tomorrow.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Individuals with Disabilities Education Act Amendments of 1997''.

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

''PART A—GENERAL PROVISIONS

''SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

''(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''PART A—GENERAL PROVISIONS

''Sec. 601. Short title; table of contents; findings; purposes.
''Sec. 602. Definitions.
''Sec. 603. Office of Special Education Programs.
''Sec. 604. Abrogation of State sovereign immunity.
''Sec. 605. Acquisition of equipment; construction or alteration of facilities.
''Sec. 606. Employment of individuals with disabilities.
''Sec. 607. Requirements for prescribing regulations.

''PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

''Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
''Sec. 612. State eligibility.
''Sec. 613. Local educational agency eligibility.
''Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
''Sec. 615. Procedural safeguards.
''Sec. 616. Withholding and judicial review.
''Sec. 617. Administration.
''Sec. 618. Program information.
''Sec. 619. Preschool grants.

''PART C—INFANTS AND TODDLERS WITH DISABILITIES

''Sec. 631. Findings and policy.
''Sec. 632. Definitions.
''Sec. 633. General authority.
''Sec. 634. Eligibility.
''Sec. 635. Requirements for statewide system.
''Sec. 636. Individualized family service plan.
''Sec. 637. State application and assurances.
''Sec. 638. Uses of funds.
''Sec. 639. Procedural safeguards.
''Sec. 640. Payor of last resort.
''Sec. 641. State Interagency Coordinating Council.
''Sec. 642. Federal administration.
''Sec. 643. Allocation of funds.
''Sec. 644. Federal Interagency Coordinating Council.
''Sec. 645. Authorization of appropriations.

''PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

''SUBPART 1—STATE PROGRAM IMPROVEMENT GRANTS FOR CHILDREN WITH DISABILITIES

''Sec. 651. Findings and purpose.
''Sec. 652. Eligibility and collaborative process.
''Sec. 653. Applications.
''Sec. 654. Use of funds.
''Sec. 655. Minimum State grant amounts.
''Sec. 656. Authorization of appropriations.

''SUBPART 2—COORDINATED RESEARCH, PERSONNEL PREPARATION, TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

''Sec. 661. Administrative provisions.

''CHAPTER 1—IMPROVING EARLY INTERVENTION, EDUCATIONAL, AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES THROUGH COORDINATED RESEARCH AND PERSONNEL PREPARATION

''Sec. 671. Findings and purpose.
''Sec. 672. Research and innovation to improve services and results for children with disabilities.
''Sec. 673. Personnel preparation to improve services and results for children with disabilities.
''Sec. 674. Studies and evaluations.

''CHAPTER 2—IMPROVING EARLY INTERVENTION, EDUCATIONAL, AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES THROUGH COORDINATED TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

''Sec. 681. Findings and purposes.
''Sec. 682. Parent training and information centers.
''Sec. 683. Community parent resource centers.
''Sec. 684. Technical assistance for parent training and information centers.
''Sec. 685. Coordinated technical assistance and dissemination.
''Sec. 686. Authorization of appropriations.
''Sec. 687. Technology development, demonstration, and utilization, and media services.

''(c) FINDINGS.—The Congress finds the following:

''(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

''(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142)—

''(A) the special educational needs of children with disabilities were not being fully met;

''(B) more than one-half of the children with disabilities in the United States did not receive appropriate educational services that would enable such children to have full equality of opportunity;

''(C) 1,000,000 of the children with disabilities in the United States were excluded entirely from the public school system and did not go through the educational process with their peers;

''(D) there were many children with disabilities throughout the United States participating in regular school programs whose disabilities prevented such children from

having a successful educational experience because their disabilities were undetected; and

''(E) because of the lack of adequate services within the public school system, families were often forced to find services outside the public school system, often at great distance from their residence and at their own expense.

''(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

''(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

''(5) Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

''(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible;

''(B) strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

''(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

''(D) providing appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate;

''(E) supporting high-quality, intensive professional development for all personnel who work with such children in order to ensure that they have the skills and knowledge necessary to enable them—

''(i) to meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

''(ii) to be prepared to lead productive, independent, adult lives, to the maximum extent possible;

''(F) providing incentives for whole-school approaches and pre-referral intervention to reduce the need to label children as disabled in order to address their learning needs; and

''(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.

''(6) While States, local educational agencies, and educational service agencies are responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

''(7)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society. A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

''(B) America's racial profile is rapidly changing. Between 1980 and 1990, the rate of increase in the population for white Americans was 6 percent, while the rate of increase for racial and ethnic minorities was much higher: 53 percent for Hispanics, 13.2 percent for African-Americans, and 107.8 percent for Asians.

''(C) By the year 2000, this Nation will have 275,000,000 people, nearly one of every three of whom will be either African-American, Hispanic, Asian-American, or American Indian.

''(D) Taken together as a group, minority children are comprising an ever larger percentage of public school students. Large-city school populations are overwhelmingly minority, for example: for fall 1993, the figure for Miami was 84 percent; Chicago, 89 percent; Philadelphia, 78 percent; Baltimore, 84 percent; Houston, 88 percent; and Los Angeles, 88 percent.

''(E) Recruitment efforts within special education must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of special education.

''(F) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation. In the Nation's 2 largest school districts, limited English students make up almost half of all students initially entering school at the kindergarten level. Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education. The Department of Education has found that services provided to limited English proficient students often do not respond primarily to the pupil's academic needs. These trends pose special challenges for special education in the referral, assessment, and services for our Nation's students from non-English language backgrounds.

''(8)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

''(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

''(C) Poor African-American children are 2.3 times more likely to be identified by their teacher as having mental retardation than their white counterpart.

''(D) Although African-Americans represent 16 percent of elementary and secondary enrollments, they constitute 21 percent of total enrollments in special education.

''(E) The drop-out rate is 68 percent higher for minorities than for whites.

''(F) More than 50 percent of minority students in large cities drop out of school.

''(9)(A) The opportunity for full participation in awards for grants and contracts; boards of organizations receiving funds under this Act; and peer review panels; and training of professionals in the area of special education by minority individuals, organizations, and historically black colleges and universities is essential if we are to obtain greater success in the education of minority children with disabilities.

''(B) In 1993, of the 915,000 college and university professors, 4.9 percent were African-American and 2.4 percent were Hispanic. Of the 2,940,000 teachers, prekindergarten through high school, 6.8 percent were African-American and 4.1 percent were Hispanic.

''(C) Students from minority groups comprise more than 50 percent of K–12 public school enrollment in seven States yet minority enrollment in teacher training programs is less than 15 percent in all but six States.

''(D) As the number of African-American and Hispanic students in special education increases, the number of minority teachers and related service personnel produced in our colleges and universities continues to decrease.

''(E) Ten years ago, 12 percent of the United States teaching force in public elementary and secondary schools were members of a minority group. Minorities comprised 21 percent of the national population at that time and were clearly underrepresented then among employed teachers. Today, the elementary and secondary teaching force is 13 percent minority, while one-third of the students in public schools are minority children.

''(F) As recently as 1991, historically black colleges and universities enrolled 44 percent of the African-American teacher trainees in the Nation. However, in 1993, historically black colleges and universities received only 4 percent of the discretionary funds for special education and related services personnel training under this Act.

''(G) While African-American students constitute 28 percent of total enrollment in special education, only 11.2 percent of individuals enrolled in preservice training programs for special education are African-American.

''(H) In 1986–87, of the degrees conferred in education at the B.A., M.A., and Ph.D levels, only 6, 8, and 8 percent, respectively, were awarded to African-American or Hispanic students.

''(10) Minorities and underserved persons are socially disadvantaged because of the lack of opportunities in training and educational programs, undergirded by the practices in the private sector that impede their full participation in the mainstream of society.

''(d) PURPOSES.—The purposes of this title are—

''(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

''(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

''(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

''(2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

''(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

''(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

''SEC. 602. DEFINITIONS.

''Except as otherwise provided, as used in this Act:

''(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

''(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

''(A) the evaluation of the needs of such child, including a functional evaluation of

the child in the child's customary environment;

''(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

''(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

''(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

''(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

''(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

''(3) CHILD WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'child with a disability' means a child—

''(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

''(ii) who, by reason thereof, needs special education and related services.

''(B) CHILD AGED 3 THROUGH 9.—The term 'child with a disability' for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child—

''(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

''(ii) who, by reason thereof, needs special education and related services.

''(4) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

''(A) means a regional public multiservice agency—

''(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

''(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and

''(B) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

''(5) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

''(6) EQUIPMENT.—The term 'equipment' includes—

''(A) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

''(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

''(7) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

''(A) amounts received—

''(i) under part B of this title;

''(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; or

''(iii) under part A of title VII of that Act; and

''(B) any State or local funds expended for programs that would qualify for assistance under any of those parts.

''(8) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

''(A) have been provided at public expense, under public supervision and direction, and without charge;

''(B) meet the standards of the State educational agency;

''(C) include an appropriate preschool, elementary, or secondary school education in the State involved; and

''(D) are provided in conformity with the individualized education program required under section 614(d).

''(9) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

''(10) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

''(11) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

''(12) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

''(13) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

''(14) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given that term in section 1201(a) of the Higher Education Act of 1965; and

''(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.

''(15) LOCAL EDUCATIONAL AGENCY.—

''(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

''(B) The term includes—

''(i) an educational service agency, as defined in paragraph (4); and

''(ii) any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

''(16) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child.

''(17) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(18) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(19) PARENT.—The term 'parent'—

''(A) includes a legal guardian; and

''(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

''(20) PARENT ORGANIZATION.—The term 'parent organization' has the meaning given that term in section 682(g).

''(21) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center assisted under section 682 or 683.

''(22) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

''(23) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

''(24) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(25) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

''(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

''(B) instruction in physical education.

''(26) SPECIFIC LEARNING DISABILITY.—

''(A) IN GENERAL.—The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

''(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

''(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

''(27) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(28) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

''(29) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

''(30) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a student with a disability that—

''(A) is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

''(B) is based upon the individual student's needs, taking into account the student's preferences and interests; and

''(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

''SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

''(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

''(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

''(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

''SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

''(a) IN GENERAL.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

''(b) REMEDIES.—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

''(c) EFFECTIVE DATE.—Subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of the enactment of the Education of the Handicapped Act Amendments of 1990.

''SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

''(a) IN GENERAL.—If the Secretary determines that a program authorized under this Act would be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

''(b) COMPLIANCE WITH CERTAIN REGULATIONS.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

''(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

''(2) appendix A of part 101-19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

''SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

''The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

''SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

''(a) PUBLIC COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 90 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

''(b) PROTECTIONS PROVIDED TO CHILDREN.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that would procedurally or substantively lessen the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

''(c) POLICY LETTERS AND STATEMENTS.—The Secretary may not, through policy letters or other statements, establish a rule that is required for compliance with, and eligibility under, this part without following the requirements of section 553 of title 5, United States Code.

''(d) CORRESPONDENCE FROM DEPARTMENT OF EDUCATION DESCRIBING INTERPRETATIONS OF THIS PART.—

''(1) IN GENERAL.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

''(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate.

''(e) ISSUES OF NATIONAL SIGNIFICANCE.—If the Secretary receives a written request regarding a policy, question, or interpretation under part B of this Act, and determines that it raises an issue of general interest or applicability of national significance to the implementation of part B, the Secretary shall—

''(1) include a statement to that effect in any written response;

''(2) widely disseminate that response to State educational agencies, local educational agencies, parent and advocacy organizations, and other interested organizations, subject to applicable laws relating to confidentiality of information; and

''(3) not later than one year after the date on which the Secretary responds to the written request, issue written guidance on such policy, question, or interpretation through such means as the Secretary determines to be appropriate and consistent with law, such as a policy memorandum, notice of interpretation, or notice of proposed rulemaking.

''(f) EXPLANATION.—Any written response by the Secretary under subsection (e) regarding a policy, question, or interpretation under part B of this Act shall include an explanation that the written response—

''(1) is provided as informal guidance and is not legally binding; and

''(2) represents the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented.

''PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

''SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS TO STATES.—

''(1) PURPOSE OF GRANTS.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

''(2) MAXIMUM AMOUNTS.—The maximum amount of the grant a State may receive under this section for any fiscal year is—

''(A) the number of children with disabilities in the State who are receiving special education and related services—

''(i) aged three through five if the State is eligible for a grant under section 619; and

''(ii) aged six through 21; multiplied by

''(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

''(b) OUTLYING AREAS AND FREELY ASSOCIATED STATES.—

''(1) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve not more than one percent, which shall be used—

''(A) to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21; and

''(B) for fiscal years 1998 through 2001, to carry out the competition described in paragraph (2), except that the amount reserved to carry out that competition shall not exceed the amount reserved for fiscal year 1996 for the competition under part B of this Act described under the heading ''SPECIAL EDUCATION'' in Public Law 104–134.

''(2) LIMITATION FOR FREELY ASSOCIATED STATES.—

''(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (1)(B) to award grants, on a competitive basis, to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated States to carry out the purposes of this part.

''(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii. Those recommendations shall be made by experts in the field of special education and related services.

''(C) ASSISTANCE REQUIREMENTS.—Any freely associated State that wishes to receive funds under this part shall include, in its application for assistance—

''(i) information demonstrating that it will meet all conditions that apply to States under this part;

''(ii) an assurance that, notwithstanding any other provision of this part, it will use those funds only for the direct provision of special education and related services to children with disabilities and to enhance its capacity to make a free appropriate public education available to all children with disabilities;

''(iii) the identity of the source and amount of funds, in addition to funds under this part, that it will make available to ensure that a free appropriate public education is available to all children with disabilities within its jurisdiction; and

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

''(D) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part for any program year that begins after September 30, 2001.

''(E) ADMINISTRATIVE COSTS.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

''(3) LIMITATION.—An outlying area is not eligible for a competitive award under paragraph (2) unless it receives assistance under paragraph (1)(A).

''(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas or to the freely associated States under this section.

''(5) ELIGIBILITY FOR DISCRETIONARY PROGRAMS.—The freely associated States shall be eligible to receive assistance under subpart 2 of part D of this Act until September 30, 2001.

''(6) DEFINITION.—As used in this subsection, the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(c) SECRETARY OF THE INTERIOR.—From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (i).

''(d) ALLOCATIONS TO STATES.—

''(1) IN GENERAL.—After reserving funds for studies and evaluations under section 674(e), and for payments to the outlying areas and the Secretary of the Interior under subsections (b) and (c), the Secretary shall allocate the remaining amount among the States in accordance with paragraph (2) or subsection (e), as the case may be.

''(2) INTERIM FORMULA.—Except as provided in subsection (e), the Secretary shall allocate the amount described in paragraph (1) among the States in accordance with section 611(a)(3), (4), and (5) and (b)(1), (2), and (3) of this Act, as in effect prior to the enactment of the Individuals with Disabilities Education Act Amendments of 1997, except that the determination of the number of children with disabilities receiving special education and related services under such section 611(a)(3) may, at the State's discretion, be calculated as of the last Friday in October or as of December 1 of the fiscal year for which the funds are appropriated.

''(e) PERMANENT FORMULA.—

''(1) ESTABLISHMENT OF BASE YEAR.—The Secretary shall allocate the amount described in subsection (d)(1) among the States in accordance with this subsection for each fiscal year beginning with the first fiscal year for which the amount appropriated under subsection (j) is more than $4,924,672,200.

''(2) USE OF BASE YEAR.—

''(A) DEFINITION.—As used in this subsection, the term 'base year' means the fiscal year preceding the first fiscal year in which this subsection applies.

''(B) SPECIAL RULE FOR USE OF BASE YEAR AMOUNT.—If a State received any funds under this section for the base year on the basis of children aged three through five, but does not make a free appropriate public education available to all children with disabilities aged three through five in the State in any subsequent fiscal year, the Secretary shall compute the State's base year amount, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for the base year on the basis of those children.

''(3) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

''(A)(i) Except as provided in subparagraph (B), the Secretary shall—

''(I) allocate to each State the amount it received for the base year;

''(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

''(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of children described in subclause (II) who are living in poverty.

''(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

''(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

''(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

''(ii) No State's allocation shall be less than the greatest of—

''(I) the sum of—

''(aa) the amount it received for the base year; and

''(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for the base year;

''(II) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

''(III) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

''(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

''(I) the amount it received for the preceding fiscal year; and

''(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

''(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

''(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A) If the amount available for allocations is greater than the amount allocated to the States for the base year, each State shall be allocated the sum of—

''(i) the amount it received for the base year; and

''(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over the base year bears to the total of all such increases for all States.

''(B)(i) If the amount available for allocations is equal to or less than the amount allocated to the States for the base year, each State shall be allocated the amount it received for the base year.

''(ii) If the amount available is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

''(f) STATE-LEVEL ACTIVITIES.—

''(1) GENERAL.—

''(A) Each State may retain not more than the amount described in subparagraph (B) for administration and other State-level activities in accordance with paragraphs (2) and (3).

''(B) For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

''(i) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

''(ii) the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

''(C) A State may use funds it retains under subparagraph (A) without regard to—

''(i) the prohibition on commingling of funds in section 612(a)(18)(B); and

''(ii) the prohibition on supplanting other funds in section 612(a)(18)(C).

''(2) STATE ADMINISTRATION.—

''(A) For the purpose of administering this part, including section 619 (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities)—

''(i) each State may use not more than twenty percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year or $500,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

''(ii) each outlying area may use up to five percent of the amount it receives under this

section for any fiscal year or $35,000, whichever is greater.

''(B) Funds described in subparagraph (A) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

''(3) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under paragraph (1) and does not use for administration under paragraph (2) for any of the following:

''(A) Support and direct services, including technical assistance and personnel development and training.

''(B) Administrative costs of monitoring and complaint investigation, but only to the extent that those costs exceed the costs incurred for those activities during fiscal year 1985.

''(C) To establish and implement the mediation process required by section 615(e), including providing for the costs of mediators and support personnel.

''(D) To assist local educational agencies in meeting personnel shortages.

''(E) To develop a State Improvement Plan under subpart 1 of part D.

''(F) Activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State Improvement Plan under subpart 1 of part D if the State receives funds under that subpart.

''(G) To supplement other amounts used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section. This system shall be coordinated with and, to the extent appropriate, build on the system of coordinated services developed by the State under part C of this Act.

''(H) For subgrants to local educational agencies for the purposes described in paragraph (4)(A).

''(4)(A) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR CAPACITY-BUILDING AND IMPROVEMENT.—In any fiscal year in which the percentage increase in the State's allocation under this section exceeds the rate of inflation (as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), each State shall reserve, from its allocation under this section, the amount described in subparagraph (B) to make subgrants to local educational agencies, unless that amount is less than $100,000, to assist them in providing direct services and in making systemic change to improve results for children with disabilities through one or more of the following:

''(i) Direct services, including alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

''(ii) Addressing needs or carrying out improvement strategies identified in the State's Improvement Plan under subpart 1 of part D.

''(iii) Adopting promising practices, materials, and technology, based on knowledge derived from education research and other sources.

''(iv) Establishing, expanding, or implementing interagency agreements and arrangements between local educational agencies and other agencies or organizations concerning the provision of services to children with disabilities and their families.

''(v) Increasing cooperative problem-solving between parents and school personnel and promoting the use of alternative dispute resolution.

''(B) MAXIMUM SUBGRANT.—For each fiscal year, the amount referred to in subparagraph (A) is—

''(i) the maximum amount the State was allowed to retain under paragraph (1)(A) for the prior fiscal year, or for fiscal year 1998, 25 percent of the State's allocation for fiscal year 1997 under this section; multiplied by

''(ii) the difference between the percentage increase in the State's allocation under this section and the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

''(5) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe—

''(A) how amounts retained under paragraph (1) will be used to meet the requirements of this part;

''(B) how those amounts will be allocated among the activities described in paragraphs (2) and (3) to meet State priorities based on input from local educational agencies; and

''(C) the percentage of those amounts, if any, that will be distributed to local educational agencies by formula.

''(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds it does not retain under subsection (f) (at least 75 percent of the grant funds) to local educational agencies in the State that have established their eligibility under section 613, and to State agencies that received funds under section 614A(a) of this Act for fiscal year 1997, as then in effect, and have established their eligibility under section 613, for use in accordance with this part.

''(2) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) INTERIM PROCEDURE.—For each fiscal year for which funds are allocated to States under subsection (d)(2), each State shall allocate funds under paragraph (1) in accordance with section 611(d) of this Act, as in effect prior to the enactment of the Individuals with Disabilities Education Act Amendments of 1997.

''(B) PERMANENT PROCEDURE.—For each fiscal year for which funds are allocated to States under subsection (e), each State shall allocate funds under paragraph (1) as follows:

''(i) BASE PAYMENTS.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for the base year, as defined in subsection (e)(2)(A), if the State had distributed 75 percent of its grant for that year under section 611(d), as then in effect.

''(ii) ALLOCATION OF REMAINING FUNDS.—After making allocations under clause (i), the State shall—

''(I) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

''(II) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

''(3) FORMER CHAPTER 1 STATE AGENCIES.—

''(A) To the extent necessary, the State—

''(i) shall use funds that are available under subsection (f)(1)(A) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of funds under subsection (f)(1)(A) and funds provided under paragraph (1) of this subsection, an amount equal to—

''(I) the number of children with disabilities, aged 6 through 21, to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, subject to the limitation in subparagraph (B); multiplied by

''(II) the per-child amount provided under such subpart for fiscal year 1994; and

''(ii) may use those funds to ensure that each local educational agency that received fiscal year 1994 funds under that subpart for children who had transferred from a State-operated or State-supported school or program assisted under that subpart receives, from the combination of funds available under subsection (f)(1)(A) and funds provided under paragraph (1) of this subsection, an amount for each such child, aged 3 through 21 to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, equal to the per-child amount the agency received under that subpart for fiscal year 1994.

''(B) The number of children counted under subparagraph (A)(i)(I) shall not exceed the number of children aged 3 through 21 for whom the agency received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

''(4) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas they serve.

''(h) DEFINITIONS.—For the purpose of this section—

''(1) the term 'average per-pupil expenditure in public elementary and secondary schools in the United States' means—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia); plus

''(ii) any direct expenditures by the State for the operation of those agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year; and

''(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(i) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

''(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

''(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with

disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year.

''(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 to 5, inclusive, who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

''(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 to 21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

''(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

''(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

''(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

''(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

''(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

''(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

''(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

Section 616(a) shall apply to the information described in this paragraph.

''(3) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 THROUGH 5.—

''(A) IN GENERAL.—With funds appropriated under subsection (j), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

''(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

''(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

''(D) USE OF FUNDS.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

''(E) BIENNIAL REPORT.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

''(F) PROHIBITIONS.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

''(4) PLAN FOR COORDINATION OF SERVICES.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

''(5) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(21), the Secretary of the Interior shall establish, not later than 6 months after the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1997, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

''(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

''(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

''(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

''(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

''(E) provide assistance in the preparation of information required under paragraph (2)(D).

''(6) ANNUAL REPORTS.—

''(A) IN GENERAL.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to the Congress an annual report containing a description of the activities of the advisory board for the preceding year.

''(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated such sums as may be necessary.

"SEC. 612. STATE ELIGIBILITY.

''(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State demonstrates to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets each of the following conditions:

''(1) FREE APPROPRIATE PUBLIC EDUCATION.—

''(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

''(B) LIMITATION.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children:

''(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

''(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility:

''(I) were not actually identified as being a child with a disability under section 602(3) of this Act; or

''(II) did not have an Individualized Education Program under this part.

''(2) FULL EDUCATIONAL OPPORTUNITY GOAL.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

''(3) CHILD FIND.—

''(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

''(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

''(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

''(5) LEAST RESTRICTIVE ENVIRONMENT.—

''(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

''(B) ADDITIONAL REQUIREMENT.—

''(i) IN GENERAL.—If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting in which a child is served, the funding mechanism does not result in placements that violate the requirements of subparagraph (A).

''(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that it will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

''(6) PROCEDURAL SAFEGUARDS.—

''(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

''(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

''(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

''(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

''(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

''(10) CHILDREN IN PRIVATE SCHOOLS.—

''(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

''(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary and secondary schools, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

''(I) Amounts expended for the provision of those services by a local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

''(II) Such services may be provided to children with disabilities on the premises of private, including parochial, schools, to the extent consistent with law.

''(ii) CHILD-FIND REQUIREMENT.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including parochial, elementary and secondary schools.

''(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

''(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

''(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

''(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

''(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

''(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

''(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

''(I) if—

''(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

''(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

''(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

''(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

''(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement may not be reduced or denied for failure to provide such notice if—

''(I) the parent is illiterate and cannot write in English;

''(II) compliance with clause (iii)(I) would likely result in physical or serious emotional harm to the child;

''(III) the school prevented the parent from providing such notice; or

''(IV) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I).

''(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

''(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

''(i) the requirements of this part are met; and

''(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

''(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

''(II) meet the educational standards of the State educational agency.

''(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

''(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

''(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

''(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

''(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's IEP).

''(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

''(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

''(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

''(B) OBLIGATION OF PUBLIC AGENCY.—

''(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in sections 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(22) relating to related services, 602(29) relating to supplementary aids and services, and 602(30) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

''(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child's IEP) shall provide or pay for such services to the child. Such local educational agency or State agency may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

''(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

''(i) State statute or regulation;

''(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

''(iii) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer.

''(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

''(14) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—The State has in effect, consistent with the purposes of this Act and with section 635(a)(8), a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel that meets the requirements for a State improvement plan relating to personnel development in subsections (b)(2)(B) and (c)(3)(D) of section 653.

''(15) PERSONNEL STANDARDS.—

''(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained.

''(B) STANDARDS DESCRIBED.—Such standards shall—

''(i) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;

''(ii) to the extent the standards described in subparagraph (A) are not based on the highest requirements in the State applicable to a specific profession or discipline, the State is taking steps to require retraining or hiring of personnel that meet appropriate professional requirements in the State; and

''(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.

''(C) POLICY.—In implementing this paragraph, a State may adopt a policy that includes a requirement that local educational agencies in the State make an ongoing good-faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subparagraph (B)(i), consistent with State law, and the steps described in subparagraph (B)(ii) within three years.

''(16) PERFORMANCE GOALS AND INDICATORS.—The State—

''(A) has established goals for the performance of children with disabilities in the State that—

''(i) will promote the purposes of this Act, as stated in section 601(d); and

''(ii) are consistent, to the maximum extent appropriate, with other goals and standards for children established by the State;

''(B) has established performance indicators the State will use to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates, and graduation rates;

''(C) will, every two years, report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A); and

''(D) based on its assessment of that progress, will revise its State improvement plan under subpart 1 of part D as may be needed to improve its performance, if the State receives assistance under that subpart.

''(17) PARTICIPATION IN ASSESSMENTS.—

''(A) IN GENERAL.—Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—

''(i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs; and

''(ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

''(B) REPORTS.—The State educational agency makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

''(i) The number of children with disabilities participating in regular assessments.

''(ii) The number of those children participating in alternate assessments.

''(iii)(I) The performance of those children on regular assessments (beginning not later than July 1, 1998) and on alternate assessments (not later than July 1, 2000), if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.

''(II) Data relating to the performance of children described under subclause (I) shall be disaggregated—

''(aa) for assessments conducted after July 1, 1998; and

''(bb) for assessments conducted before July 1, 1998, if the State is required to disaggregate such data prior to July 1, 1998.

''(18) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

''(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

''(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

''(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

''(19) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

''(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

''(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

''(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that—

''(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

''(ii) the State meets the standard in paragraph (18)(C) of this section for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

''(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

''(E) REGULATIONS.—

''(i) The Secretary shall, by regulation, establish procedures (including objective criteria and consideration of the results of compliance reviews of the State conducted by the Secretary) for determining whether to grant a waiver under subparagraph (C)(ii).

''(ii) The Secretary shall publish proposed regulations under clause (i) not later than 6 months after the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1997, and shall issue final regulations under clause (i) not later than 1 year after such date of enactment.

''(20) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

''(21) STATE ADVISORY PANEL.—

''(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

''(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

''(i) parents of children with disabilities;

''(ii) individuals with disabilities;

''(iii) teachers;

''(iv) representatives of institutions of higher education that prepare special education and related services personnel;

''(v) State and local education officials;

''(vi) administrators of programs for children with disabilities;

''(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

''(viii) representatives of private schools and public charter schools;

''(ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

''(x) representatives from the State juvenile and adult corrections agencies.

''(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

''(D) DUTIES.—The advisory panel shall—

''(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

''(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

''(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

''(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

''(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

''(22) SUSPENSION AND EXPULSION RATES.—

''(A) IN GENERAL.—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

''(i) among local educational agencies in the State; or

''(ii) compared to such rates for nondisabled children within such agencies.

''(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

''(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

''(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

''(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

''(c) EXCEPTION FOR PRIOR STATE PLANS.—

''(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

''(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State deems necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

''(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.

''(d) APPROVAL BY THE SECRETARY.—

''(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

''(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

''(A) with reasonable notice; and

''(B) with an opportunity for a hearing.

''(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.

''(f) BY-PASS FOR CHILDREN IN PRIVATE SCHOOLS.—

''(1) IN GENERAL.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of children with disabilities enrolled in private elementary and secondary schools as required by subsection (a)(10)(A), the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

''(2) PAYMENTS.—

''(A) DETERMINATION OF AMOUNTS.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

''(i) the total amount received by the State under this part for such fiscal year; by

''(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

''(B) WITHHOLDING OF CERTAIN AMOUNTS.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of services described in subparagraph (A).

''(C) PERIOD OF PAYMENTS.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

''(3) NOTICE AND HEARING.—

''(A) IN GENERAL.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

''(B) REVIEW OF ACTION.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

''(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

''(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

''SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

''(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency demonstrates to the satisfaction of the State educational agency that it meets each of the following conditions:

''(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

''(2) USE OF AMOUNTS.—

''(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

''(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

''(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

''(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

''(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

''(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

''(ii) a decrease in the enrollment of children with disabilities;

''(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

''(I) has left the jurisdiction of the agency;

''(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

''(III) no longer needs such program of special education; or

''(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

''(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

''(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 20 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for the previous fiscal year.

''(ii) Notwithstanding clause (i), if a State educational agency determines that a local educational agency is not meeting the requirements of this part, the State educational agency may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, only if it is authorized to do so by the State constitution or a State statute.

''(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

''(i) the number of children with disabilities participating in the schoolwide program; multiplied by

''(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

''(II) the number of children with disabilities in the jurisdiction of that agency.

''(3) PERSONNEL DEVELOPMENT.—The local educational agency—

''(A) shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 653(c)(3)(D); and

''(B) to the extent such agency determines appropriate, shall contribute to and use the comprehensive system of personnel development of the State established under section 612(a)(14).

''(4) PERMISSIVE USE OF FUNDS.—Notwithstanding paragraph (2)(A) or section 612(a)(18)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

''(A) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if one or more nondisabled children benefit from such services.

''(B) INTEGRATED AND COORDINATED SERVICES SYSTEM.—To develop and implement a fully integrated and coordinated services system in accordance with subsection (f).

''(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

''(A) serves children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools; and

''(B) provides funds under this part to those schools in the same manner as it provides those funds to its other schools.

''(6) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (16) and (17) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

''(7) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

''(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

''(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

''(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until it submits to the State educational agency such modifications as the local educational agency deems necessary.

''(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

''(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

''(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

''(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

''(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

''(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

''(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

''(1) JOINT ESTABLISHMENT.—

''(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency would be ineligible under this section because the local educational agency would not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

''(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless it is explicitly permitted to do so under the State's charter school statute.

''(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(g) if such agencies were eligible for such payments.

''(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

''(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

''(B) be jointly responsible for implementing programs that receive assistance under this part.

''(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

''(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

''(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

''(ii) be carried out only by that educational service agency.

''(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

''(f) COORDINATED SERVICES SYSTEM.—

''(1) IN GENERAL.—A local educational agency may not use more than 5 percent of the amount such agency receives under this part for any fiscal year, in combination with other amounts (which shall include amounts other than education funds), to develop and implement a coordinated services system designed to improve results for children and families, including children with disabilities and their families.

''(2) ACTIVITIES.—In implementing a coordinated services system under this subsection, a local educational agency may carry out activities that include—

''(A) improving the effectiveness and efficiency of service delivery, including developing strategies that promote accountability for results;

''(B) service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation), title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income);

''(C) developing and implementing interagency financing strategies for the provision of education, health, mental health, and social services, including transition services and related services under this Act; and

''(D) interagency personnel development for individuals working on coordinated services.

''(3) COORDINATION WITH CERTAIN PROJECTS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—If a local educational agency is carrying out a coordinated services project under title XI of the Elementary and Secondary Education Act of 1965 and a coordinated services project under this part in the same schools, such agency shall use amounts under this subsection in accordance with the requirements of that title.

''(g) SCHOOL-BASED IMPROVEMENT PLAN.—

''(1) IN GENERAL.—Each local educational agency may, in accordance with paragraph (2), use funds made available under this part to permit a public school within the jurisdiction of the local educational agency to design, implement, and evaluate a school-based improvement plan that is consistent with the purposes described in section 651(b) and that is designed to improve educational and transitional results for all children with disabilities and, as appropriate, for other children consistent with subparagraphs (A) and (B) of subsection (a)(4) in that public school.

''(2) AUTHORITY.—

''(A) IN GENERAL.—A State educational agency may grant authority to a local educational agency to permit a public school described in paragraph (1) (through a school-based standing panel established under paragraph (4)(B)) to design, implement, and evaluate a school-based improvement plan described in paragraph (1) for a period not to exceed 3 years.

''(B) RESPONSIBILITY OF LOCAL EDUCATIONAL AGENCY.—If a State educational agency grants the authority described in subparagraph (A), a local educational agency that is granted such authority shall have the sole responsibility of oversight of all activities relating to the design, implementation, and evaluation of any school-based improvement plan that a public school is permitted to design under this subsection.

''(3) PLAN REQUIREMENTS.—A school-based improvement plan described in paragraph (1) shall—

''(A) be designed to be consistent with the purposes described in section 651(b) and to improve educational and transitional results for all children with disabilities and, as appropriate, for other children consistent with subparagraphs (A) and (B) of subsection (a)(4), who attend the school for which the plan is designed and implemented;

''(B) be designed, evaluated, and, as appropriate, implemented by a school-based standing panel established in accordance with paragraph (4)(B);

''(C) include goals and measurable indicators to assess the progress of the public school in meeting such goals; and

''(D) ensure that all children with disabilities receive the services described in the individualized education programs of such children.

''(4) RESPONSIBILITIES OF THE LOCAL EDUCATIONAL AGENCY.—A local educational agency that is granted authority under paragraph (2) to permit a public school to design, implement, and evaluate a school-based improvement plan shall—

''(A) select each school under the jurisdiction of such agency that is eligible to design, implement, and evaluate such a plan;

''(B) require each school selected under subparagraph (A), in accordance with criteria established by such local educational agency under subparagraph (C), to establish a school-based standing panel to carry out the duties described in paragraph (3)(B);

''(C) establish—

''(i) criteria that shall be used by such local educational agency in the selection of an eligible school under subparagraph (A);

''(ii) criteria that shall be used by a public school selected under subparagraph (A) in the establishment of a school-based standing panel to carry out the duties described in paragraph (3)(B) and that shall ensure that the membership of such panel reflects the diversity of the community in which the public school is located and includes, at a minimum—

''(I) parents of children with disabilities who attend such public school, including parents of children with disabilities from unserved and underserved populations, as appropriate;

''(II) special education and general education teachers of such public school;

''(III) special education and general education administrators, or the designee of such administrators, of such public school; and

''(IV) related services providers who are responsible for providing services to the children with disabilities who attend such public school; and

''(iii) criteria that shall be used by such local educational agency with respect to the distribution of funds under this part to carry out this subsection;

''(D) disseminate the criteria established under subparagraph (C) to local school district personnel and local parent organizations within the jurisdiction of such local educational agency;

''(E) require a public school that desires to design, implement, and evaluate a school-based improvement plan to submit an application at such time, in such manner, and accompanied by such information as such local educational agency shall reasonably require; and

''(F) establish procedures for approval by such local educational agency of a school-

based improvement plan designed under this subsection.

''(5) LIMITATION.—A school-based improvement plan described in paragraph (1) may be submitted to a local educational agency for approval only if a consensus with respect to any matter relating to the design, implementation, or evaluation of the goals of such plan is reached by the school-based standing panel that designed such plan.

''(6) ADDITIONAL REQUIREMENTS.—

''(A) PARENTAL INVOLVEMENT.—In carrying out the requirements of this subsection, a local educational agency shall ensure that the parents of children with disabilities are involved in the design, evaluation, and, where appropriate, implementation of school-based improvement plans in accordance with this subsection.

''(B) PLAN APPROVAL.—A local educational agency may approve a school-based improvement plan of a public school within the jurisdiction of such agency for a period of 3 years, if—

''(i) the approval is consistent with the policies, procedures, and practices established by such local educational agency and in accordance with this subsection; and

''(ii) a majority of parents of children who are members of the school-based standing panel, and a majority of other members of the school-based standing panel, that designed such plan agree in writing to such plan.

''(7) EXTENSION OF PLAN.—If a public school within the jurisdiction of a local educational agency meets the applicable requirements and criteria described in paragraphs (3) and (4) at the expiration of the 3-year approval period described in paragraph (6)(B), such agency may approve a school-based improvement plan of such school for an additional 3-year period.

''(h) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

''(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local agency, or for whom that State agency is responsible, if the State educational agency determines that the local education agency or State agency, as the case may be—

''(A) has not provided the information needed to establish the eligibility of such agency under this section;

''(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

''(C) is unable or unwilling to be consolidated with one or more local educational agencies in order to establish and maintain such programs; or

''(D) has one or more children with disabilities who can best be served by a regional or State program or service-delivery system designed to meet the needs of such children.

''(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

''(i) STATE AGENCY ELIGIBILITY.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(g) shall demonstrate to the satisfaction of the State educational agency that—

''(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

''(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

''(j) DISCIPLINARY INFORMATION.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

''SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

''(a) EVALUATIONS AND REEVALUATIONS.—

''(1) INITIAL EVALUATIONS.—

''(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation, in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

''(B) PROCEDURES.—Such initial evaluation shall consist of procedures—

''(i) to determine whether a child is a child with a disability (as defined in section 602(3)); and

''(ii) to determine the educational needs of such child.

''(C) PARENTAL CONSENT.—

''(i) IN GENERAL.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

''(ii) REFUSAL.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

''(2) REEVALUATIONS.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted—

''(A) if conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every 3 years; and

''(B) in accordance with subsections (b) and (c).

''(b) EVALUATION PROCEDURES.—

''(1) NOTICE.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

''(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

''(A) use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

''(B) not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

''(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

''(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

''(A) tests and other evaluation materials used to assess a child under this section—

''(i) are selected and administered so as not to be discriminatory on a racial or cultural basis; and

''(ii) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

''(B) any standardized tests that are given to the child—

''(i) have been validated for the specific purpose for which they are used;

''(ii) are administered by trained and knowledgeable personnel; and

''(iii) are administered in accordance with any instructions provided by the producer of such tests;

''(C) the child is assessed in all areas of suspected disability; and

''(D) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

''(4) DETERMINATION OF ELIGIBILITY.—Upon completion of administration of tests and other evaluation materials—

''(A) the determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

''(B) a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

''(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency.

''(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

''(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

''(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation; and

''(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

''(i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;

''(ii) the present levels of performance and educational needs of the child;

''(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

''(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

''(2) SOURCE OF DATA.—The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

''(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(C), prior to conducting any reevaluation of a child with a disability, except that such informed parent consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

''(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency—

''(A) shall notify the child's parents of—

''(i) that determination and the reasons for it; and

''(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability; and

''(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

''(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—A local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

''(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

''(1) DEFINITIONS.—As used in this title:

''(A) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

''(i) a statement of the child's present levels of educational performance, including—

''(I) how the child's disability affects the child's involvement and progress in the general curriculum; or

''(II) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

''(ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to—

''(I) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and

''(II) meeting each of the child's other educational needs that result from the child's disability;

''(iii) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

''(I) to advance appropriately toward attaining the annual goals;

''(II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and

''(III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

''(iv) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii);

''(v)(I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and

''(II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

''(aa) why that assessment is not appropriate for the child; and

''(bb) how the child will be assessed;

''(vi) the projected date for the beginning of the services and modifications described in clause (iii), and the anticipated frequency, location, and duration of those services and modifications;

''(vii)(I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

''(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

''(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

''(viii) a statement of—

''(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and

''(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

''(aa) their child's progress toward the annual goals described in clause (ii); and

''(bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

''(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

''(i) the parents of a child with a disability;

''(ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

''(iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;

''(iv) a representative of the local educational agency who—

''(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

''(II) is knowledgeable about the general curriculum; and

''(III) is knowledgeable about the availability of resources of the local educational agency;

''(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

''(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

''(vii) whenever appropriate, the child with a disability.

''(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

''(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

''(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

''(i) consistent with State policy; and

''(ii) agreed to by the agency and the child's parents.

''(3) DEVELOPMENT OF IEP.—

''(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

''(i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and

''(ii) the results of the initial evaluation or most recent evaluation of the child.

''(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

''(i) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

''(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

''(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

''(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

''(v) consider whether the child requires assistive technology devices and services.

''(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(iii).

''(4) REVIEW AND REVISION OF IEP.—

''(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

''(i) reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and

''(ii) revises the IEP as appropriate to address—

''(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

''(II) the results of any reevaluation conducted under this section;

''(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

''(IV) the child's anticipated needs; or

''(V) other matters.

''(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child.

''(5) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(vii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

''(6) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

''(A) IN GENERAL.—The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

''(i) The requirements contained in section 612(a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments).

''(ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

''(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to require the IEP Team to include information under one component of a child's IEP that is already contained under another component of such IEP.

''(f) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

''SEC. 615. PROCEDURAL SAFEGUARDS.

''(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

''(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

''(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

''(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

''(3) written prior notice to the parents of the child whenever such agency—

''(A) proposes to initiate or change; or

''(B) refuses to initiate or change;

the identification, evaluation, or educational placement of the child, in accordance with subsection (c), or the provision of a free appropriate public education to the child;

''(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

''(5) an opportunity for mediation in accordance with subsection (e);

''(6) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

''(7) procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential)—

''(A) to the State educational agency or local educational agency, as the case may be, in the complaint filed under paragraph (6); and

''(B) that shall include—

''(i) the name of the child, the address of the residence of the child, and the name of the school the child is attending;

''(ii) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

''(iii) a proposed resolution of the problem to the extent known and available to the parents at the time; and

''(8) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint in accordance with paragraph (7).

''(c) CONTENT OF PRIOR WRITTEN NOTICE.—The notice required by subsection (b)(3) shall include—

''(1) a description of the action proposed or refused by the agency;

''(2) an explanation of why the agency proposes or refuses to take the action;

''(3) a description of any other options that the agency considered and the reasons why those options were rejected;

''(4) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

''(5) a description of any other factors that are relevant to the agency's proposal or refusal;

''(6) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

''(7) sources for parents to contact to obtain assistance in understanding the provisions of this part.

''(d) PROCEDURAL SAFEGUARDS NOTICE.—

''(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

''(A) upon initial referral for evaluation;

''(B) upon each notification of an individualized education program meeting and upon reevaluation of the child; and

''(C) upon registration of a complaint under subsection (b)(6).

''(2) CONTENTS.—The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

''(A) independent educational evaluation;

''(B) prior written notice;

''(C) parental consent;

''(D) access to educational records;

''(E) opportunity to present complaints;

''(F) the child's placement during pendency of due process proceedings;

''(G) procedures for students who are subject to placement in an interim alternative educational setting;

''(H) requirements for unilateral placement by parents of children in private schools at public expense;

''(I) mediation;

''(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

''(K) State-level appeals (if applicable in that State);

''(L) civil actions; and

''(M) attorneys' fees.

''(e) MEDIATION.—

''(1) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in subsection (b)(6) to resolve such disputes through a mediation process which, at a minimum, shall be available whenever a hearing is requested under subsection (f) or (k).

''(2) REQUIREMENTS.—Such procedures shall meet the following requirements:

''(A) The procedures shall ensure that the mediation process—

''(i) is voluntary on the part of the parties;

''(ii) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

''(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

''(B) A local educational agency or a State agency may establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

''(i) a parent training and information center or community parent resource center in the State established under section 682 or 683; or

''(ii) an appropriate alternative dispute resolution entity;

to encourage the use, and explain the benefits, of the mediation process to the parents.

''(C) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

''(D) The State shall bear the cost of the mediation process, including the costs of meetings described in subparagraph (B).

''(E) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

''(F) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

''(G) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

''(f) IMPARTIAL DUE PROCESS HEARING.—

''(1) IN GENERAL.—Whenever a complaint has been received under subsection (b)(6) or (k) of this section, the parents involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

''(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

''(A) IN GENERAL.—At least 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

''(B) FAILURE TO DISCLOSE.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

''(3) LIMITATION ON CONDUCT OF HEARING.—A hearing conducted pursuant to paragraph (1) may not be conducted by an employee of the State educational agency or the local educational agency involved in the education or care of the child.

''(g) APPEAL.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

''(h) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f) or (k), or an appeal conducted pursuant to subsection (g), shall be accorded—

''(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

''(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

''(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

''(4) the right to written, or, at the option of the parents, electronic findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(c) (relating to the confidentiality of data, information, and records) and shall also be transmitted to the advisory panel established pursuant to section 612(a)(21)).

''(i) ADMINISTRATIVE PROCEDURES.—

''(1) IN GENERAL.—

''(A) DECISION MADE IN HEARING.—A decision made in a hearing conducted pursuant to subsection (f) or (k) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2) of this subsection.

''(B) DECISION MADE AT APPEAL.—A decision made under subsection (g) shall be final, except that any party may bring an action under paragraph (2) of this subsection.

''(2) RIGHT TO BRING CIVIL ACTION.—

''(A) IN GENERAL.—Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

''(B) ADDITIONAL REQUIREMENTS.—In any action brought under this paragraph, the court—

''(i) shall receive the records of the administrative proceedings;

''(ii) shall hear additional evidence at the request of a party; and

''(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

''(3) JURISDICTION OF DISTRICT COURTS; ATTORNEYS' FEES.—

''(A) IN GENERAL.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

''(B) AWARD OF ATTORNEYS' FEES.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party.

''(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

''(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—

''(i) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed subsequent to the time of a written offer of settlement to a parent if—

''(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

''(II) the offer is not accepted within 10 days; and

''(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

''(ii) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation described in subsection (e) that is conducted prior to the filing of a complaint under subsection (b)(6) or (k) of this section.

''(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

''(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

''(i) the parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

''(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

''(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

''(iv) the attorney representing the parent did not provide to the school district the appropriate information in the due process complaint in accordance with subsection (b)(7);

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this section.

''(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

''(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k)(7), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

''(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

''(1) AUTHORITY OF SCHOOL PERSONNEL.—

''(A) School personnel under this section may order a change in the placement of a child with a disability—

''(i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

''(ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if—

''(I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

''(II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

''(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—

''(i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or

''(ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

''(2) AUTHORITY OF HEARING OFFICER.—A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer—

''(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

''(B) considers the appropriateness of the child's current placement;

''(C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

''(D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

''(3) DETERMINATION OF SETTING.—

''(A) IN GENERAL.—The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

''(B) ADDITIONAL REQUIREMENTS.—Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

''(i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

''(ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

''(4) MANIFESTATION DETERMINATION REVIEW.—

''(A) IN GENERAL.—If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children—

''(i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and

''(ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

''(B) INDIVIDUALS TO CARRY OUT REVIEW.—A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

''(C) CONDUCT OF REVIEW.—In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team—

''(i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including—

''(I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;

''(II) observations of the child; and

''(III) the child's IEP and placement; and

''(ii) then determines that—

''(I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

''(II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

''(III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

''(5) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—

''(A) IN GENERAL.—If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in section 612(a)(1).

''(B) ADDITIONAL REQUIREMENT.—If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

''(6) PARENT APPEAL.—

''(A) IN GENERAL.—

''(i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

''(ii) The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by a parent.

''(B) REVIEW OF DECISION.—

''(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

''(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

''(7) PLACEMENT DURING APPEALS.—

''(A) IN GENERAL.—When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

''(B) CURRENT PLACEMENT.—If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

''(C) EXPEDITED HEARING.—

''(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

''(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph (2).

''(8) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

''(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

''(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—

''(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

''(ii) the behavior or performance of the child demonstrates the need for such services;

''(iii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

''(iv) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

''(C) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

''(i) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

''(ii) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

''(9) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—

''(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

''(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

''(10) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

''(A) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under schedules I, II, III,

IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

''(B) ILLEGAL DRUG.—The term 'illegal drug'—

''(i) means a controlled substance; but

''(ii) does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

''(C) SUBSTANTIAL EVIDENCE.—The term 'substantial evidence' means beyond a preponderance of the evidence.

''(D) WEAPON.—The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

''(l) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

''(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

''(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

''(A) the public agency shall provide any notice required by this section to both the individual and the parents;

''(B) all other rights accorded to parents under this part transfer to the child;

''(C) the agency shall notify the individual and the parents of the transfer of rights; and

''(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

''(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

''SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.

''(a) WITHHOLDING OF PAYMENTS.—

''(1) IN GENERAL.—Whenever the Secretary, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or State agency affected by any failure described in subparagraph (B)), finds—

''(A) that there has been a failure by the State to comply substantially with any provision of this part; or

''(B) that there is a failure to comply with any condition of a local educational agency's or State agency's eligibility under this part, including the terms of any agreement to achieve compliance with this part within the timelines specified in the agreement;

the Secretary shall, after notifying the State educational agency, withhold, in whole or in part, any further payments to the State under this part, or refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

''(2) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraph (1), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in subparagraph (A) or (B) of paragraph (1), payments to the State under this part shall be withheld in whole or in part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (1) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

''(b) JUDICIAL REVIEW.—

''(1) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

''(2) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

''(3) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

''(c) DIVIDED STATE AGENCY RESPONSIBILITY.—For purposes of this section, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except—

''(1) any reduction or withholding of payments to the State is proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

''(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

''SEC. 617. ADMINISTRATION.

''(a) RESPONSIBILITIES OF SECRETARY.—In carrying out this part, the Secretary shall—

''(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, the State in matters relating to—

''(A) the education of children with disabilities; and

''(B) carrying out this part; and

''(2) provide short-term training programs and institutes.

''(b) RULES AND REGULATIONS.—In carrying out the provisions of this part, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

''(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this part.

''(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618, 661, and 673 (or their predecessor authorities through October 1, 1997) without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than twenty such personnel shall be employed at any time.

''SEC. 618. PROGRAM INFORMATION.

''(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary—

''(1)(A) on—

''(i) the number of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;

''(ii) the number of children with disabilities, by race and ethnicity, who are receiving early intervention services;

''(iii) the number of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;

''(iv) the number of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

''(v) the number of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;

''(vi) the number of children with disabilities, by race and ethnicity, who, from birth through age two, stopped receiving early intervention services because of program completion or for other reasons; and

''(vii)(I) the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A)(ii) and (B) of section 615(k)(1), are removed to an interim alternative educational setting;

''(II) the acts or items precipitating those removals; and

''(III) the number of children with disabilities who are subject to long-term suspensions or expulsions; and

''(B) on the number of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in section 632), and who are receiving early intervention services under part C; and

''(2) on any other information that may be required by the Secretary.

''(b) SAMPLING.—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling.

''(c) DISPROPORTIONALITY.—

''(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

''(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3); and

''(B) the placement in particular educational settings of such children.

''(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

''SEC. 619. PRESCHOOL GRANTS.

''(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

''(1) to children with disabilities aged 3 to 5, inclusive; and

''(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

''(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

''(1) is eligible under section 612 to receive a grant under this part; and

''(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

''(c) ALLOCATIONS TO STATES.—

''(1) IN GENERAL.—After reserving funds for studies and evaluations under section 674(e), the Secretary shall allocate the remaining amount among the States in accordance with paragraph (2) or (3), as the case may be.

''(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A)(i) Except as provided in subparagraph (B), the Secretary shall—

''(I) allocate to each State the amount it received for fiscal year 1997;

''(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 5; and

''(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of all children aged 3 through 5 who are living in poverty.

''(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

''(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

''(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

''(ii) No State's allocation shall be less than the greatest of—

''(I) the sum of—

''(aa) the amount it received for fiscal year 1997; and

''(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for fiscal year 1997;

''(II) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

''(III) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

''(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

''(I) the amount it received for the preceding fiscal year; and

''(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

''(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

''(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

''(i) the amount it received for fiscal year 1997; and

''(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

''(B) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1997, each State shall be allocated the amount it received for that year, ratably reduced, if necessary.

''(4) OUTLYING AREAS.—The Secretary shall increase the fiscal year 1998 allotment of each outlying area under section 611 by at least the amount that that area received under this section for fiscal year 1997.

''(d) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—Each State may retain not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

''(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

''(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

''(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(e) STATE ADMINISTRATION.—

''(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount it may retain under subsection (d) for any fiscal year.

''(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

''(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under subsection (d) and does not use for administration under subsection (e)—

''(1) for support services (including establishing and implementing the mediation process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

''(2) for direct services for children eligible for services under this section;

''(3) to develop a State improvement plan under subpart 1 of part D;

''(4) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State improvement plan under subpart 1 of part D if the State receives funds under that subpart; or

''(5) to supplement other funds used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section for a fiscal year.

''(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any of the grant funds that it does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

''(A) BASE PAYMENTS.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as then in effect.

''(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

''(i) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

''(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

''(2) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged three through five residing in the area served by that agency

with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged three through five residing in the areas they serve.

''(h) PART C INAPPLICABLE.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

''(i) DEFINITION.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 1998 and such sums as may be necessary for each subsequent fiscal year.

''PART C—INFANTS AND TODDLERS WITH DISABILITIES

''SEC. 631. FINDINGS AND POLICY.

''(a) FINDINGS.—The Congress finds that there is an urgent and substantial need—

''(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

''(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

''(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independently living in society;

''(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

''(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

''(b) POLICY.—It is therefore the policy of the United States to provide financial assistance to States—

''(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

''(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

''(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

''(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

''SEC. 632. DEFINITIONS.

''As used in this part:

''(1) AT-RISK INFANT OR TODDLER.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

''(2) COUNCIL.—The term 'council' means a State interagency coordinating council established under section 641.

''(3) DEVELOPMENTAL DELAY.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

''(4) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means developmental services that—

''(A) are provided under public supervision;

''(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

''(C) are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas—

''(i) physical development;

''(ii) cognitive development;

''(iii) communication development;

''(iv) social or emotional development; or

''(v) adaptive development;

''(D) meet the standards of the State in which they are provided, including the requirements of this part;

''(E) include—

''(i) family training, counseling, and home visits;

''(ii) special instruction;

''(iii) speech-language pathology and audiology services;

''(iv) occupational therapy;

''(v) physical therapy;

''(vi) psychological services;

''(vii) service coordination services;

''(viii) medical services only for diagnostic or evaluation purposes;

''(ix) early identification, screening, and assessment services;

''(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

''(xi) social work services;

''(xii) vision services;

''(xiii) assistive technology devices and assistive technology services; and

''(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

''(F) are provided by qualified personnel, including—

''(i) special educators;

''(ii) speech-language pathologists and audiologists;

''(iii) occupational therapists;

''(iv) physical therapists;

''(v) psychologists;

''(vi) social workers;

''(vii) nurses;

''(viii) nutritionists;

''(ix) family therapists;

''(x) orientation and mobility specialists; and

''(xi) pediatricians and other physicians;

''(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

''(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

''(5) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability'—

''(A) means an individual under 3 years of age who needs early intervention services because the individual—

''(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

''(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

''(B) may also include, at a State's discretion, at-risk infants and toddlers.

''SEC. 633. GENERAL AUTHORITY.

''The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

''SEC. 634. ELIGIBILITY.

''In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

''(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

''(2) has in effect a statewide system that meets the requirements of section 635.

''SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

''(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

''(1) A definition of the term 'developmental delay' that will be used by the State in carrying out programs under this part.

''(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

''(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

''(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

''(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

''(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

''(7) A central directory which includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

''(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 612(a)(14) and may include—

''(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

''(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

''(C) training personnel to work in rural and inner-city areas; and

''(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

''(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including—

''(A) the establishment and maintenance of standards which are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services; and

''(B) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State;

except that nothing in this part, including this paragraph, prohibits the use of paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, to assist in the provision of early intervention services to infants and toddlers with disabilities under this part.

''(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

''(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

''(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

''(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

''(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

''(E) the resolution of intra- and interagency disputes; and

''(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

''(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

''(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

''(13) Procedural safeguards with respect to programs under this part, as required by section 639.

''(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

''(15) A State interagency coordinating council that meets the requirements of section 641.

''(16) Policies and procedures to ensure that, consistent with section 636(d)(5)—

''(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and

''(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

''(b) POLICY.—In implementing subsection (a)(9), a State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subsection (a)(9), consistent with State law, within 3 years.

''SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

''(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

''(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

''(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

''(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e).

''(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

''(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

''(d) CONTENT OF PLAN.—-The individualized family service plan shall be in writing and contain—

''(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

''(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

''(3) a statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

''(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

''(5) a statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

''(6) the projected dates for initiation of services and the anticipated duration of the services;

''(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons; and

''(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

''(e) PARENTAL CONSENT.—-The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then the early intervention services to which consent is obtained shall be provided.

''SEC. 637. STATE APPLICATION AND ASSURANCES.

''(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

''(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

''(2) a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies;

''(3) information demonstrating eligibility of the State under section 634, including—

''(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

''(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

''(4) if the State provides services to at-risk infants and toddlers through the system, a description of such services;

''(5) a description of the uses for which funds will be expended in accordance with this part;

''(6) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

''(7) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

''(8) a description of the policies and procedures to be used—

''(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how--

''(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

''(ii) the lead agency designated or established under section 635(a)(10) will—

''(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

''(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

''(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

''(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

''(C) to establish a transition plan; and

''(9) such other information and assurances as the Secretary may reasonably require.

''(b) ASSURANCES.—The application described in subsection (a)—

''(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

''(2) shall contain an assurance that the State will comply with the requirements of section 640;

''(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

''(4) shall provide for—

''(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

''(B) keeping such records and affording such access to them as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part;

''(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

''(A) will not be commingled with State funds; and

''(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

''(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

''(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

''(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

''(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

''(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part H (as in effect before July 1, 1998), the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

''(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

''(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

''(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

''(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

''(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

''SEC. 638. USES OF FUNDS.

''In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

''(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

''(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

''(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year; and

''(4) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

''(A) identifying and evaluating at-risk infants and toddlers;

''(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

''(C) conducting periodic follow-up on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

''SEC. 639. PROCEDURAL SAFEGUARDS.

''(a) MINIMUM PROCEDURES.—-The procedural safeguards required to be included in a statewide system under section 635(a)(13) shall provide, at a minimum, the following:

''(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

''(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

''(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

''(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

''(5) Procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

''(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler.

''(7) Procedures designed to ensure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

''(8) The right of parents to use mediation in accordance with section 615(e), except that—

''(A) any reference in the section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

''(B) any reference in the section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

''(C) any reference in the section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

''(b) SERVICES DURING PENDENCY OF PROCEEDINGS.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

''SEC. 640. PAYOR OF LAST RESORT.

''(a) NONSUBSTITUTION.—Funds provided under section 643 may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of this part, except that whenever considered necessary to

prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

''(b) REDUCTION OF OTHER BENEFITS—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to medicaid for infants or toddlers with disabilities) within the State.

''SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

''(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

''(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

''(b) COMPOSITION.—

''(1) IN GENERAL.—The council shall be composed as follows:

''(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

''(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

''(C) STATE LEGISLATURE.—At least one member shall be from the State legislature.

''(D) PERSONNEL PREPARATION.—At least one member shall be involved in personnel preparation.

''(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

''(F) AGENCY FOR PRESCHOOL SERVICES.—At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

''(G) AGENCY FOR HEALTH INSURANCE.—At least one member shall be from the agency responsible for the State governance of health insurance.

''(H) HEAD START AGENCY.—At least one representative from a Head Start agency or program in the State.

''(I) CHILD CARE AGENCY.—At least one representative from a State agency responsible for child care.

''(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

''(c) MEETINGS.—The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

''(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

''(e) FUNCTIONS OF COUNCIL.—

''(1) DUTIES.—The council shall—

''(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

''(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

''(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

''(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

''(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

''(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

''SEC. 642. FEDERAL ADMINISTRATION.

''Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

''(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

''(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

''(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

''SEC. 643. ALLOCATION OF FUNDS.

''(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

''(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to one percent for payments to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

''(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

''(b) PAYMENTS TO INDIANS.—

''(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

''(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total of such children served by all tribes, tribal organizations, or consortia.

''(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

''(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child-find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

''(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(i)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

''(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

''(c) STATE ALLOTMENTS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

''(2) MINIMUM ALLOTMENTS.—Except as provided in paragraphs (3) and (4), no State shall receive an amount under this section for any fiscal year that is less than the greatest of—

''(A) one-half of one percent of the remaining amount described in paragraph (1); or

''(B) $500,000.

''(3) SPECIAL RULE FOR 1998 AND 1999.—

''(A) IN GENERAL.—Except as provided in paragraph (4), no State may receive an amount under this section for either fiscal year 1998 or 1999 that is less than the sum of the amounts such State received for fiscal year 1994 under—

''(i) part H (as in effect for such fiscal year); and

''(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994) for children with disabilities under 3 years of age.

''(B) EXCEPTION.—If, for fiscal year 1998 or 1999, the number of infants and toddlers in a State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for the State shall be reduced by the same percentage by which the number of such infants and toddlers so declined.

''(4) RATABLE REDUCTION.—

''(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

''(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis they were reduced.

''(5) DEFINITIONS.—For the purpose of this subsection—

''(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

''(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

''SEC. 644. FEDERAL INTERAGENCY COORDINATING COUNCIL.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

''(A) minimize duplication of programs and activities across Federal, State, and local agencies, relating to—

''(i) early intervention services for infants and toddlers with disabilities (including at-risk infants and toddlers) and their families; and

''(ii) preschool or other appropriate services for children with disabilities;

''(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

''(C) coordinate the provision of Federal technical assistance and support activities to States;

''(D) identify gaps in Federal agency programs and services; and

''(E) identify barriers to Federal interagency cooperation.

''(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the ''Council'') and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that the member represents.

''(b) COMPOSITION.—The Council shall be composed of—

''(1) a representative of the Office of Special Education Programs;

''(2) a representative of the National Institute on Disability and Rehabilitation Research and a representative of the Office of Educational Research and Improvement;

''(3) a representative of the Maternal and Child Health Services Block Grant Program;

''(4) a representative of programs administered under the Developmental Disabilities Assistance and Bill of Rights Act;

''(5) a representative of the Health Care Financing Administration;

''(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

''(7) a representative of the Social Security Administration;

''(8) a representative of the special supplemental nutrition program for women, infants, and children of the Department of Agriculture;

''(9) a representative of the National Institute of Mental Health;

''(10) a representative of the National Institute of Child Health and Human Development;

''(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

''(12) a representative of the Indian Health Service;

''(13) a representative of the Surgeon General;

''(14) a representative of the Department of Defense;

''(15) a representative of the Children's Bureau, and a representative of the Head Start Bureau, of the Administration for Children and Families;

''(16) a representative of the Substance Abuse and Mental Health Services Administration;

''(17) a representative of the Pediatric AIDS Health Care Demonstration Program in the Public Health Service;

''(18) parents of children with disabilities age 12 or under (who shall constitute at least 20 percent of the members of the Council), of whom at least one must have a child with a disability under the age of 6;

''(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of whom must be a representative of a State educational agency and the other a representative of a non-educational agency;

''(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

''(21) other persons appointed by the Secretary.

''(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

''(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

''(1) advise and assist the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, and the Commissioner of Social Security in the performance of their responsibilities related to serving children from birth through age 5 who are eligible for services under this part or under part B;

''(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

''(3) identify strategies to address issues described in paragraph (2);

''(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

''(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

''(6) facilitate activities in support of States' interagency coordination efforts.

''(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.

''(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the establishment or operation of the Council.

''SEC. 645. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $400,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

''Subpart 1—State Program Improvement Grants for Children with Disabilities

''SEC. 651. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds the following:

''(1) States are responding with some success to multiple pressures to improve educational and transitional services and results for children with disabilities in response to growing demands imposed by ever-changing factors, such as demographics, social policies, and labor and economic markets.

''(2) In order for States to address such demands and to facilitate lasting systemic change that is of benefit to all students, including children with disabilities, States must involve local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations in carrying out comprehensive strategies to improve educational results for children with disabilities.

''(3) Targeted Federal financial resources are needed to assist States, working in partnership with others, to identify and make needed changes to address the needs of children with disabilities into the next century.

''(4) State educational agencies, in partnership with local educational agencies and other individuals and organizations, are in the best position to identify and design ways to meet emerging and expanding demands to improve education for children with disabilities and to address their special needs.

''(5) Research, demonstration, and practice over the past 20 years in special education and related disciplines have built a foundation of knowledge on which State and local systemic-change activities can now be based.

''(6) Such research, demonstration, and practice in special education and related disciplines have demonstrated that an effective educational system now and in the future must—

''(A) maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals;

''(B) create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;

''(C) clearly define, in measurable terms, the school and post-school results that children with disabilities are expected to achieve;

''(D) promote service integration, and the coordination of State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who require significant levels of support to maximize their participation and learning in school and the community;

''(E) ensure that children with disabilities are provided assistance and support in making transitions as described in section 674(b)(3)(C);

''(F) promote comprehensive programs of professional development to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;

''(G) disseminate to teachers and other personnel serving children with disabilities research-based knowledge about successful teaching practices and models and provide technical assistance to local educational agencies and schools on how to improve results for children with disabilities;

''(H) create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;

''(I) establish placement-neutral funding formulas and cost-effective strategies for meeting the needs of children with disabilities; and

''(J) involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating systemic-change activities and educational reforms.

''(b) PURPOSE.—The purpose of this subpart is to assist State educational agencies, and their partners referred to in section 652(b), in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

''SEC. 652. ELIGIBILITY AND COLLABORATIVE PROCESS.

''(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

''(b) PARTNERS.—

''(1) REQUIRED PARTNERS.—

''(A) CONTRACTUAL PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities.

''(B) OTHER PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including—

''(i) the Governor;

''(ii) parents of children with disabilities;

''(iii) parents of nondisabled children;

''(iv) individuals with disabilities;

''(v) organizations representing individuals with disabilities and their parents, such as parent training and information centers;

''(vi) community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

''(vii) the lead State agency for part C;

''(viii) general and special education teachers, and early intervention personnel;

''(ix) the State advisory panel established under part C;

''(x) the State interagency coordinating council established under part C; and

''(xi) institutions of higher education within the State.

''(2) OPTIONAL PARTNERS.—A partnership under subparagraph (A) or (B) of paragraph (1) may also include—

''(A) individuals knowledgeable about vocational education;

''(B) the State agency for higher education;

''(C) the State vocational rehabilitation agency;

''(D) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice; and

''(E) other individuals.

''SEC. 653. APPLICATIONS.

''(a) IN GENERAL.—

''(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

''(2) STATE IMPROVEMENT PLAN.—The application shall include a State improvement plan that—

''(A) is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965 and the Rehabilitation Act of 1973, as appropriate; and

''(B) meets the requirements of this section.

''(b) DETERMINING CHILD AND PROGRAM NEEDS.—

''(1) IN GENERAL.—Each State improvement plan shall identify those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16).

''(2) REQUIRED ANALYSES.—To meet the requirement of paragraph (1), the State improvement plan shall include at least—

''(A) an analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State, including—

''(i) their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;

''(ii) their participation in postsecondary education and employment; and

''(iii) how their performance on the assessments and indicators described in clause (i) compares to that of non-disabled children;

''(B) an analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum—

''(i) the number of personnel providing special education and related services; and

''(ii) relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in clause (i) with temporary certification), and on the extent of certification or retraining necessary to eliminate such shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs;

''(C) an analysis of the major findings of the Secretary's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and

''(D) an analysis of other information, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities.

''(c) IMPROVEMENT STRATEGIES.—Each State improvement plan shall—

''(1) describe a partnership agreement that—

''(A) specifies—

''(i) the nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and the respective roles of each member of the partnership; and

''(ii) how such agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

''(B) is in effect for the period of the grant;

''(2) describe how grant funds will be used in undertaking the systemic-change activities, and the amount and nature of funds from any other sources, including part B funds retained for use at the State level under sections 611(f) and 619(d), that will be committed to the systemic-change activities;

''(3) describe the strategies the State will use to address the needs identified under subsection (b), including—

''(A) how the State will change State policies and procedures to address systemic barriers to improving results for children with disabilities;

''(B) how the State will hold local educational agencies and schools accountable for educational progress of children with disabilities;

''(C) how the State will provide technical assistance to local educational agencies and schools to improve results for children with disabilities;

''(D) how the State will address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and

knowledge necessary to meet the needs of children with disabilities, including a description of how—

''(i) the State will prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;

''(ii) the State will prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

''(iii) the State will work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality professional development programs that meet State and local needs;

''(iv) the State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of such a program of preparation;

''(v) the State will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;

''(vi) the State will enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of children with disabilities that impedes the learning of children with disabilities and others;

''(vii) the State will acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State will, when appropriate, adopt promising practices, materials, and technology;

''(viii) the State will recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are underrepresented in the fields of regular education, special education, and related services;

''(ix) the plan is integrated, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and

''(x) the State will provide for the joint training of parents and special education, related services, and general education personnel;

''(E) strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel;

''(F) how the State will disseminate results of the local capacity-building and improvement projects funded under section 611(f)(4);

''(G) how the State will address improving results for children with disabilities in the geographic areas of greatest need; and

''(H) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and

''(4) describe how the improvement strategies described in paragraph (3) will be coordinated with public and private sector resources.

''(d) COMPETITIVE AWARDS.—

''(1) IN GENERAL.—The Secretary shall make grants under this subpart on a competitive basis.

''(2) PRIORITY.—The Secretary may give priority to applications on the basis of need, as indicated by such information as the findings of Federal compliance reviews.

''(e) PEER REVIEW.—

''(1) IN GENERAL.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart.

''(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

''(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

''(f) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. The reports shall describe the progress of the State in meeting the performance goals established under section 612(a)(16), analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance.

''SEC. 654. USE OF FUNDS.

''(a) IN GENERAL.—

''(1) ACTIVITIES.—A State educational agency that receives a grant under this subpart may use the grant to carry out any activities that are described in the State's application and that are consistent with the purpose of this subpart.

''(2) CONTRACTS AND SUBGRANTS.—Each such State educational agency—

''(A) shall, consistent with its partnership agreement under section 652(b), award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State improvement plan under this subpart; and

''(B) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

''(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.—A State educational agency that receives a grant under this subpart—

''(1) shall use not less than 75 percent of the funds it receives under the grant for any fiscal year—

''(A) to ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children; or

''(B) to work with other States on common certification criteria; or

''(2) shall use not less than 50 percent of such funds for such purposes, if the State demonstrates to the Secretary's satisfaction that it has the personnel described in paragraph (1)(A).

''(c) GRANTS TO OUTLYING AREAS.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

''SEC. 655. MINIMUM STATE GRANT AMOUNTS.

''(a) IN GENERAL.—The Secretary shall make a grant to each State educational agency whose application the Secretary has selected for funding under this subpart in an amount for each fiscal year that is—

''(1) not less than $500,000, nor more than $2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

''(2) not less than $80,000, in the case of an outlying area.

''(b) INFLATION ADJUSTMENT.—Beginning with fiscal year 1999, the Secretary may increase the maximum amount described in subsection (a)(1) to account for inflation.

''(c) FACTORS.—The Secretary shall set the amount of each grant under subsection (a) after considering—

''(1) the amount of funds available for making the grants;

''(2) the relative population of the State or outlying area; and

''(3) the types of activities proposed by the State or outlying area.

''SEC. 656. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1998 through 2002.

''Subpart 2—Coordinated Research, Personnel Preparation, Technical Assistance, Support, and Dissemination of Information

''SEC. 661. ADMINISTRATIVE PROVISIONS.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart in order to enhance the provision of educational, related, transitional, and early intervention services to children with disabilities under parts B and C. The plan shall include mechanisms to address educational, related services, transitional, and early intervention needs identified by State educational agencies in applications submitted for State program improvement grants under subpart 1.

''(2) PARTICIPANTS IN PLAN DEVELOPMENT.—In developing the plan described in paragraph (1), the Secretary shall consult with—

''(A) individuals with disabilities;

''(B) parents of children with disabilities;

''(C) appropriate professionals; and

''(D) representatives of State and local educational agencies, private schools, institutions of higher education, other Federal agencies, the National Council on Disability, and national organizations with an interest in, and expertise in, providing services to children with disabilities and their families.

''(3) PUBLIC COMMENT.—The Secretary shall take public comment on the plan.

''(4) DISTRIBUTION OF FUNDS.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart to carry out activities that benefit, directly or indirectly, children with disabilities of all ages.

''(5) REPORTS TO CONGRESS.—The Secretary shall periodically report to the Congress on the Secretary's activities under this subsection, including an initial report not later than the date that is 18 months after the date of the enactment of the Individuals with Disabilities Act Amendments of 1997.

''(b) ELIGIBLE APPLICANTS.—

''(1) IN GENERAL.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

''(A) A State educational agency.

''(B) A local educational agency.

''(C) An institution of higher education.

''(D) Any other public agency.

''(E) A private nonprofit organization.

''(F) An outlying area.

''(G) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

''(H) A for-profit organization, if the Secretary finds it appropriate in light of the purposes of a particular competition for a grant, contract, or cooperative agreement under this subpart.

''(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to one or more categories of eligible entities described in paragraph (1).

''(c) USE OF FUNDS BY SECRETARY.—Notwithstanding any other provision of law, and in addition to any authority granted the Secretary under chapter 1 or chapter 2, the Secretary may use up to 20 percent of the funds available under either chapter 1 or chapter 2 for any fiscal year to carry out any activity, or combination of activities, subject to such conditions as the Secretary determines are appropriate effectively to carry out the purposes of such chapters, that—

''(A) is consistent with the purposes of chapter 1, chapter 2, or both; and

''(B) involves—

''(i) research;

''(ii) personnel preparation;

''(iii) parent training and information;

''(iv) technical assistance and dissemination;

''(v) technology development, demonstration, and utilization; or

''(vi) media services.

''(d) SPECIAL POPULATIONS.—

''(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, the Secretary shall, as appropriate, require an applicant to demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

''(2) OUTREACH AND TECHNICAL ASSISTANCE.—

''(A) REQUIREMENT.—Notwithstanding any other provision of this Act, the Secretary shall ensure that at least one percent of the total amount of funds appropriated to carry out this subpart is used for either or both of the following activities:

''(i) To provide outreach and technical assistance to Historically Black Colleges and Universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

''(ii) To enable Historically Black Colleges and Universities, and the institutions described in clause (i), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities.

''(B) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated under this subpart to satisfy the requirement of subparagraph (A).

''(e) PRIORITIES.—

''(1) IN GENERAL.—Except as otherwise explicitly authorized in this subpart, the Secretary shall ensure that a grant, contract, or cooperative agreement under chapter 1 or 2 is awarded only—

''(A) for activities that are designed to benefit children with disabilities, their families, or the personnel employed to work with such children or their families; or

''(B) to benefit other individuals with disabilities that such chapter is intended to benefit.

''(2) PRIORITY FOR PARTICULAR ACTIVITIES.—Subject to paragraph (1), the Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, may, without regard to the rule making procedures under section 553 of title 5, United States Code, limit competitions to, or otherwise give priority to—

''(A) projects that address one or more—

''(i) age ranges;

''(ii) disabilities;

''(iii) school grades;

''(iv) types of educational placements or early intervention environments;

''(v) types of services;

''(vi) content areas, such as reading; or

''(vii) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community-based educational settings;

''(B) projects that address the needs of children based on the severity of their disability;

''(C) projects that address the needs of—

''(i) low-achieving students;

''(ii) underserved populations;

''(iii) children from low-income families;

''(iv) children with limited English proficiency;

''(v) unserved and underserved areas;

''(vi) particular types of geographic areas; or

''(vii) children whose behavior interferes with their learning and socialization;

''(D) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

''(E) projects that are carried out in particular areas of the country, to ensure broad geographic coverage; and

''(F) any activity that is expressly authorized in chapter 1 or 2.

''(f) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

''(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart—

''(A) involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the project; and

''(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

''(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement for a project under this subpart—

''(A) to share in the cost of the project;

''(B) to prepare the research and evaluation findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

''(C) to disseminate such findings and products; and

''(D) to collaborate with other such recipients in carrying out subparagraphs (B) and (C).

''(g) APPLICATION MANAGEMENT.—

''(1) STANDING PANEL.—

''(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart that, individually, request more than $75,000 per year in Federal financial assistance.

''(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

''(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out programs of personnel preparation;

''(ii) individuals who design and carry out programs of research targeted to the improvement of special education programs and services;

''(iii) individuals who have recognized experience and knowledge necessary to integrate and apply research findings to improve educational and transitional results for children with disabilities;

''(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

''(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

''(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

''(vii) individuals who are parents of children with disabilities who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

''(viii) individuals with disabilities.

''(C) TRAINING.—The Secretary shall provide training to the individuals who are selected as members of the standing panel under this paragraph.

''(D) TERM.—No individual shall serve on the standing panel for more than 3 consecutive years, unless the Secretary determines that the individual's continued participation is necessary for the sound administration of this subpart.

''(2) PEER-REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

''(A) COMPOSITION.—The Secretary shall ensure that each sub-panel selected from the standing panel that reviews applications under this subpart includes—

''(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the subpart; and

''(ii) to the extent practicable, parents of children with disabilities, individuals with disabilities, and persons from diverse backgrounds.

''(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each sub-panel that reviews an application under this subpart shall be individuals who are not employees of the Federal Government.

''(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

''(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds available under this subpart to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

''(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds appropriated to carry out this subpart to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

''(C) MONITORING.—The Secretary may use funds available under this subpart to pay the expenses of Federal employees to conduct on-site monitoring of projects receiving $500,000 or more for any fiscal year under this subpart.

''(h) PROGRAM EVALUATION.—The Secretary may use funds appropriated to carry out this subpart to evaluate activities carried out under the subpart.

''(i) MINIMUM FUNDING REQUIRED.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

''(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

''(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

''(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

''(2) RATABLE REDUCTION.—If the total amount appropriated to carry out sections 672, 673, and 685 for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

''(j) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—Effective for fiscal years for which the Secretary may make grants under section 619(b), no State or local educational agency or educational service agency or other public institution or agency may receive a grant under this subpart which relates exclusively to programs, projects, and activities pertaining to children aged three to five, inclusive, unless the State is eligible to receive a grant under section 619(b).

''Chapter 1—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities through Coordinated Research and Personnel Preparation

''SEC. 671. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds the following:

''(1) The Federal Government has an ongoing obligation to support programs, projects, and activities that contribute to positive results for children with disabilities, enabling them—

''(A) to meet their early intervention, educational, and transitional goals and, to the maximum extent possible, educational standards that have been established for all children; and

''(B) to acquire the skills that will empower them to lead productive and independent adult lives.

''(2)(A) As a result of more than 20 years of Federal support for research, demonstration projects, and personnel preparation, there is an important knowledge base for improving results for children with disabilities.

''(B) Such knowledge should be used by States and local educational agencies to design and implement state-of-the-art educational systems that consider the needs of, and include, children with disabilities, especially in environments in which they can learn along with their peers and achieve results measured by the same standards as the results of their peers.

''(3)(A) Continued Federal support is essential for the development and maintenance of a coordinated and high-quality program of research, demonstration projects, dissemination of information, and personnel preparation.

''(B) Such support—

''(i) enables State educational agencies and local educational agencies to improve their educational systems and results for children with disabilities;

''(ii) enables State and local agencies to improve early intervention services and results for infants and toddlers with disabilities and their families; and

''(iii) enhances the opportunities for general and special education personnel, related services personnel, parents, and paraprofessionals to participate in pre-service and in-service training, to collaborate, and to improve results for children with disabilities and their families.

''(4) The Federal Government plays a critical role in facilitating the availability of an adequate number of qualified personnel—

''(A) to serve effectively the over 5,000,000 children with disabilities;

''(B) to assume leadership positions in administrative and direct-service capacities related to teacher training and research concerning the provision of early intervention services, special education, and related services; and

''(C) to work with children with low-incidence disabilities and their families.

''(5) The Federal Government performs the role described in paragraph (4)—

''(A) by supporting models of personnel development that reflect successful practice, including strategies for recruiting, preparing, and retaining personnel;

''(B) by promoting the coordination and integration of—

''(i) personnel-development activities for teachers of children with disabilities; and

''(ii) other personnel-development activities supported under Federal law, including this chapter;

''(C) by supporting the development and dissemination of information about teaching standards; and

''(D) by promoting the coordination and integration of personnel-development activities through linkage with systemic-change activities within States and nationally.

''(b) PURPOSE.—The purpose of this chapter is to provide Federal funding for coordinated research, demonstration projects, outreach, and personnel-preparation activities that—

''(1) are described in sections 672 through 674;

''(2) are linked with, and promote, systemic change; and

''(3) improve early intervention, educational, and transitional results for children with disabilities.

''SEC. 672. RESEARCH AND INNOVATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

''(a) IN GENERAL.—The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to produce, and advance the use of, knowledge—

''(1) to improve—

''(A) services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities; and

''(B) educational results for children with disabilities;

''(2) to address the special needs of preschool-aged children and infants and toddlers with disabilities, including infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them;

''(3) to address the specific problems of over-identification and under-identification of children with disabilities;

''(4) to develop and implement effective strategies for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

''(5) to improve secondary and postsecondary education and transitional services for children with disabilities; and

''(6) to address the range of special education, related services, and early intervention needs of children with disabilities who need significant levels of support to maximize their participation and learning in school and in the community.

''(b) NEW KNOWLEDGE PRODUCTION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that lead to the production of new knowledge.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Expanding understanding of the relationships between learning characteristics of children with disabilities and the diverse ethnic, cultural, linguistic, social, and economic backgrounds of children with disabilities and their families.

''(B) Developing or identifying innovative, effective, and efficient curricula designs, instructional approaches, and strategies, and developing or identifying positive academic and social learning opportunities, that—

''(i) enable children with disabilities to make effective transitions described in section 674(b)(3)(C) or transitions between educational settings; and

''(ii) improve educational and transitional results for children with disabilities at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of the children, as measured by assessments within the general education curriculum involved.

''(C) Advancing the design of assessment tools and procedures that will accurately and efficiently determine the special instructional, learning, and behavioral needs of children with disabilities, especially within the context of general education.

''(D) Studying and promoting improved alignment and compatibility of general and special education reforms concerned with curricular and instructional reform, evaluation and accountability of such reforms, and administrative procedures.

''(E) Advancing the design, development, and integration of technology, assistive technology devices, media, and materials, to improve early intervention, educational, and transitional services and results for children with disabilities.

''(F) Improving designs, processes, and results of personnel preparation for personnel who provide services to children with disabilities through the acquisition of information on, and implementation of, research-based practices.

''(G) Advancing knowledge about the coordination of education with health and social services.

''(H) Producing information on the long-term impact of early intervention and education on results for individuals with disabilities through large-scale longitudinal studies.

''(c) INTEGRATION OF RESEARCH AND PRACTICE; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that integrate research and practice, including activities that support State systemic-change and local capacity-building and improvement efforts.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Model demonstration projects to apply and test research findings in typical service settings to determine the usability, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media.

''(B) Demonstrating and applying research-based findings to facilitate systemic changes, related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel.

''(C) Promoting and demonstrating the coordination of early intervention and educational services for children with disabilities with services provided by health, rehabilitation, and social service agencies.

''(D) Identifying and disseminating solutions that overcome systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services to children with disabilities.

''(d) IMPROVING THE USE OF PROFESSIONAL KNOWLEDGE; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that improve the use of professional knowledge, including activities that support State systemic-change and

local capacity-building and improvement efforts.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Synthesizing useful research and other information relating to the provision of services to children with disabilities, including effective practices.

''(B) Analyzing professional knowledge bases to advance an understanding of the relationships, and the effectiveness of practices, relating to the provision of services to children with disabilities.

''(C) Ensuring that research and related products are in appropriate formats for distribution to teachers, parents, and individuals with disabilities.

''(D) Enabling professionals, parents of children with disabilities, and other persons, to learn about, and implement, the findings of research, and successful practices developed in model demonstration projects, relating to the provision of services to children with disabilities.

''(E) Conducting outreach, and disseminating information relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services, to personnel who provide services to children with disabilities.

''(e) BALANCE AMONG ACTIVITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance—

''(1) among knowledge production, integration of research and practice, and use of professional knowledge; and

''(2) across all age ranges of children with disabilities.

''(f) APPLICATIONS.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, 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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.

''SEC. 673. PERSONNEL PREPARATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities—

''(1) to help address State-identified needs for qualified personnel in special education, related services, early intervention, and regular education, to work with children with disabilities; and

''(2) to ensure that those personnel have the skills and knowledge, derived from practices that have been determined, through research and experience, to be successful, that are needed to serve those children.

''(b) LOW-INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low-incidence disabilities.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Preparing persons who—

''(i) have prior training in educational and other related service fields; and

''(ii) are studying to obtain degrees, certificates, or licensure that will enable them to assist children with disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

''(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with disabilities.

''(C) Preparing personnel in the innovative uses and application of technology to enhance learning by children with disabilities through early intervention, educational, and transitional services.

''(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

''(E) Preparing personnel to be qualified educational interpreters, to assist children with disabilities, particularly deaf and hard-of-hearing children in school and school-related activities and deaf and hard-of-hearing infants and toddlers and preschool children in early intervention and preschool programs.

''(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

''(3) DEFINITION.—As used in this section, the term 'low-incidence disability' means—

''(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

''(B) a significant cognitive impairment; or

''(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

''(4) SELECTION OF RECIPIENTS.—In selecting recipients under this subsection, the Secretary may give preference to applications that propose to prepare personnel in more than one low-incidence disability, such as deafness and blindness.

''(5) PREPARATION IN USE OF BRAILLE.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

''(c) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Preparing personnel at the advanced graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services for children with disabilities.

''(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

''(d) PROJECTS OF NATIONAL SIGNIFICANCE; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that are of national significance and have broad applicability.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Developing and demonstrating effective and efficient practices for preparing personnel to provide services to children with disabilities, including practices that address any needs identified in the State's improvement plan under part C;

''(B) Demonstrating the application of significant knowledge derived from research and other sources in the development of programs to prepare personnel to provide services to children with disabilities.

''(C) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel—

''(i) to acquire the collaboration skills necessary to work within teams to assist children with disabilities; and

''(ii) to achieve results that meet challenging standards, particularly within the general education curriculum.

''(D) Demonstrating models that reduce shortages of teachers, and personnel from other relevant disciplines, who serve children with disabilities, through reciprocity arrangements between States that are related to licensure and certification.

''(E) Developing, evaluating, and disseminating model teaching standards for persons working with children with disabilities.

''(F) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers and administrators working with such children.

''(G) Developing and disseminating models that prepare teachers with strategies, including behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

''(H) Institutes that provide professional development that addresses the needs of children with disabilities to teachers or teams of teachers, and where appropriate, to school board members, administrators, principals, pupil-service personnel, and other staff from individual schools.

''(I) Projects to improve the ability of general education teachers, principals, and other administrators to meet the needs of children with disabilities.

''(J) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, qualified teachers, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

''(K) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

''(e) HIGH-INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), to benefit children with high-incidence disabilities, such as children with specific learning disabilities, speech or language impairment, or mental retardation.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

''(A) Activities undertaken by institutions of higher education, local educational agencies, and other local entities—

''(i) to improve and reform their existing programs to prepare teachers and related services personnel—

''(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

''(II) to work collaboratively in regular classroom settings; and

''(ii) to incorporate best practices and research-based knowledge about preparing personnel so they will have the knowledge and skills to improve educational results for children with disabilities.

''(B) Activities incorporating innovative strategies to recruit and prepare teachers and other personnel to meet the needs of areas in which there are acute and persistent shortages of personnel.

''(C) Developing career opportunities for paraprofessionals to receive training as special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable them to improve early intervention, educational, and transitional results for children with disabilities.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, 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.

''(2) IDENTIFIED STATE NEEDS.—

''(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), or (e) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve.

''(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include information demonstrating to the satisfaction of the Secretary that the applicant and one or more State educational agencies have engaged in a cooperative effort to plan the project to which the application pertains, and will cooperate in carrying out and monitoring the project.

''(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide letters from one or more States stating that the States—

''(A) intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards for serving children with disabilities or serving infants and toddlers with disabilities; and

''(B) need personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the States' comprehensive systems of personnel development under parts B and C.

''(g) SELECTION OF RECIPIENTS.—

''(1) IMPACT OF PROJECT.—In selecting recipients under this section, the Secretary may consider the impact of the project proposed in the application in meeting the need for personnel identified by the States.

''(2) REQUIREMENT ON APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants under this section only to eligible applicants that meet State and professionally-recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

''(3) PREFERENCES.—In selecting recipients under this section, the Secretary may—

''(A) give preference to institutions of higher education that are educating regular education personnel to meet the needs of children with disabilities in integrated settings and educating special education personnel to work in collaboration with regular educators in integrated settings; and

''(B) give preference to institutions of higher education that are successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which they are preparing individuals.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—Each application for funds under subsections (b) and (e), and to the extent appropriate subsection (d), shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 2 years for every year for which assistance was received or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

''(2) LEADERSHIP PREPARATION.—Each application for funds under subsection (c) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently perform work related to their preparation for a period of 2 years for every year for which assistance was received or repay all or part of such costs, in accordance with regulations issued by the Secretary.

''(i) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), (d), and (e).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.

''SEC. 674. STUDIES AND EVALUATIONS.

''(a) STUDIES AND EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall, directly or through grants, contracts, or cooperative agreements, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

''(A) a free appropriate public education to children with disabilities; and

''(B) early intervention services to infants and toddlers with disabilities and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

''(2) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may support studies, evaluations, and assessments, including studies that—

''(A) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

''(B) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

''(C) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

''(i) data on—

''(I) the number of minority children who are referred for special education evaluation;

''(II) the number of minority children who are receiving special education and related services and their educational or other service placement; and

''(III) the number of minority children who graduated from secondary and postsecondary education programs; and

''(ii) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;

''(D) measure educational and transitional services and results of children with disabilities under this Act, including longitudinal studies that—

''(i) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

''(ii) examine educational results, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act; and

''(E) identify and report on the placement of children with disabilities by disability category.

''(b) NATIONAL ASSESSMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

''(A) to determine the effectiveness of this Act in achieving its purposes;

''(B) to provide information to the President, the Congress, the States, local educational agencies, and the public on how to implement the Act more effectively; and

''(C) to provide the President and the Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

''(2) CONSULTATION.—The Secretary shall plan, review, and conduct the national assessment under this subsection in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, individuals with disabilities, and other appropriate individuals.

''(3) SCOPE OF ASSESSMENT.—The national assessment shall examine how well schools, local educational agencies, States, other recipients of assistance under this Act, and the Secretary are achieving the purposes of this Act, including—

''(A) improving the performance of children with disabilities in general scholastic activities and assessments as compared to nondisabled children;

''(B) providing for the participation of children with disabilities in the general curriculum;

''(C) helping children with disabilities make successful transitions from—

''(i) early intervention services to preschool education;

''(ii) preschool education to elementary school; and

''(iii) secondary school to adult life;

''(D) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

''(E) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

''(F) addressing behavioral problems of children with disabilities as compared to nondisabled children;

''(G) coordinating services provided under this Act with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

''(H) providing for the participation of parents of children with disabilities in the education of their children; and

''(I) resolving disagreements between education personnel and parents through activities such as mediation.

''(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the Congress—

''(A) an interim report that summarizes the preliminary findings of the assessment not later than October 1, 1999; and

''(B) a final report of the findings of the assessment not later than October 1, 2001.

''(c) ANNUAL REPORT.—The Secretary shall report annually to the Congress on—

''(1) an analysis and summary of the data reported by the States and the Secretary of the Interior under section 618;

''(2) the results of activities conducted under subsection (a);

''(3) the findings and determinations resulting from reviews of State implementation of this Act.

''(d) TECHNICAL ASSISTANCE TO LEAS.—The Secretary shall provide directly, or through grants, contracts, or cooperative agreements, technical assistance to local educational agencies to assist them in carrying out local capacity-building and improvement projects under section 611(f)(4) and other LEA systemic improvement activities under this Act.

''(e) RESERVATION FOR STUDIES AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, the Secretary may reserve up to one-half of one percent of the amount appropriated under parts B and C for each fiscal year to carry out this section.

''(2) MAXIMUM AMOUNT.—For the first fiscal year in which the amount described in paragraph (1) is at least $20,000,000, the maximum amount the Secretary may reserve under paragraph (1) is $20,000,000. For each subsequent fiscal year, the maximum amount the Secretary may reserve under paragraph (1) is $20,000,000, increased by the cumulative rate of inflation since the fiscal year described in the previous sentence.

''(3) USE OF MAXIMUM AMOUNT.—In any fiscal year described in paragraph (2) for which the Secretary reserves the maximum amount described in that paragraph, the Secretary shall use at least half of the reserved amount for activities under subsection (d).

''Chapter 2—Improving Early Intervention, Educational, and Transitional Services and Results for Children With Disabilities Through Coordinated Technical Assistance, Support, and Dissemination of Information

''SEC. 681. FINDINGS AND PURPOSES.

''(a) IN GENERAL.—The Congress finds as follows:

''(1) National technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve quality early intervention, educational, and transitional results for children with disabilities and their families.

''(2) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

''(3) Parent training and information activities have taken on increased importance in efforts to assist parents of a child with a disability in dealing with the multiple pressures of rearing such a child and are of particular importance in—

''(A) ensuring the involvement of such parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

''(B) achieving quality early intervention, educational, and transitional results for children with disabilities;

''(C) providing such parents information on their rights and protections under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

''(D) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 674(b)(3)(C); and

''(E) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families.

''(4) Providers of parent training and information activities need to ensure that such parents who have limited access to services and supports, due to economic, cultural, or linguistic barriers, are provided with access to appropriate parent training and information activities.

''(5) Parents of children with disabilities need information that helps the parents to understand the rights and responsibilities of their children under part B.

''(6) The provision of coordinated technical assistance and dissemination of information to State and local agencies, institutions of higher education, and other providers of services to children with disabilities is essential in—

''(A) supporting the process of achieving systemic change;

''(B) supporting actions in areas of priority specific to the improvement of early intervention, educational, and transitional results for children with disabilities;

''(C) conveying information and assistance that are—

''(i) based on current research (as of the date the information and assistance are conveyed);

''(ii) accessible and meaningful for use in supporting systemic-change activities of State and local partnerships; and

''(iii) linked directly to improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

''(D) organizing systems and information networks for such information, based on modern technology related to—

''(i) storing and gaining access to information; and

''(ii) distributing information in a systematic manner to parents, students, professionals, and policymakers.

''(7) Federal support for carrying out technology research, technology development, and educational media services and activities has resulted in major innovations that have significantly improved early intervention, educational, and transitional services and results for children with disabilities and their families.

''(8) Such Federal support is needed—

''(A) to stimulate the development of software, interactive learning tools, and devices to address early intervention, educational, and transitional needs of children with disabilities who have certain disabilities;

''(B) to make information available on technology research, technology development, and educational media services and activities to individuals involved in the provision of early intervention, educational, and transitional services to children with disabilities;

''(C) to promote the integration of technology into curricula to improve early intervention, educational, and transitional results for children with disabilities;

''(D) to provide incentives for the development of technology and media devices and tools that are not readily found or available because of the small size of potential markets;

''(E) to make resources available to pay for such devices and tools and educational media services and activities;

''(F) to promote the training of personnel—

''(i) to provide such devices, tools, services, and activities in a competent manner; and

''(ii) to assist children with disabilities and their families in using such devices, tools, services, and activities; and

''(G) to coordinate the provision of such devices, tools, services, and activities—

''(i) among State human services programs; and

''(ii) between such programs and private agencies.

''(b) PURPOSES.—The purposes of this chapter are to ensure that—

''(1) children with disabilities, and their parents, receive training and information on their rights and protections under this Act, in order to develop the skills necessary to effectively participate in planning and decisionmaking relating to early intervention, educational, and transitional services and in systemic-change activities;

''(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist such persons, through systemic-change activities and other efforts, to improve early intervention, educational, and transitional services and results for children with disabilities and their families;

''(3) appropriate technology and media are researched, developed, demonstrated, and made available in timely and accessible formats to parents, teachers, and all types of personnel providing services to children with disabilities to support their roles as partners in the improvement and implementation of early intervention, educational, and transitional services and results for children with disabilities and their families;

''(4) on reaching the age of majority under State law, children with disabilities understand their rights and responsibilities under part B, if the State provides for the transfer of parental rights under section 615(m); and

''(5) the general welfare of deaf and hard-of-hearing individuals is promoted by—

''(A) bringing to such individuals understanding and appreciation of the films and television programs that play an important part in the general and cultural advancement of hearing individuals;

''(B) providing, through those films and television programs, enriched educational and cultural experiences through which deaf and hard-of-hearing individuals can better understand the realities of their environment; and

''(C) providing wholesome and rewarding experiences that deaf and hard-of-hearing individuals may share.

''SEC. 682. PARENT TRAINING AND INFORMATION CENTERS.

''(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

''(b) REQUIRED ACTIVITIES.—Each parent training and information center that receives assistance under this section shall—

''(1) provide training and information that meets the training and information needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified;

''(2) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);

''(3) serve the parents of infants, toddlers, and children with the full range of disabilities;

''(4) assist parents to—

''(A) better understand the nature of their children's disabilities and their educational and developmental needs;

''(B) communicate effectively with personnel responsible for providing special education, early intervention, and related services;

''(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

''(D) obtain appropriate information about the range of options, programs, services, and resources available to assist children with disabilities and their families;

''(E) understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

''(F) participate in school reform activities;

''(5) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process to them;

''(6) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 685(d), and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities; and

''(7) annually report to the Secretary on—

''(A) the number of parents to whom it provided information and training in the most recently concluded fiscal year; and

''(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities.

''(c) OPTIONAL ACTIVITIES.—A parent training and information center that receives assistance under this section may—

''(1) provide information to teachers and other professionals who provide special education and related services to children with disabilities;

''(2) assist students with disabilities to understand their rights and responsibilities under section 615(m) on reaching the age of majority; and

''(3) assist parents of children with disabilities to be informed participants in the development and implementation of the State's State improvement plan under subpart 1.

''(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the applicant will undertake—

''(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

''(2) to work with community-based organizations.

''(e) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall make at least 1 award to a parent organization in each State, unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval.

''(2) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

''(f) QUARTERLY REVIEW.—

''(1) REQUIREMENTS.—

''(A) MEETINGS.—The board of directors or special governing committee of each organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

''(B) ADVISING BOARD.—Each special governing committee shall directly advise the organization's governing board of its views and recommendations.

''(2) CONTINUATION AWARD.—When an organization requests a continuation award under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

''(g) DEFINITION OF PARENT ORGANIZATION.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

''(1) has a board of directors—

''(A) the majority of whom are parents of children with disabilities;

''(B) that includes—

''(i) individuals working in the fields of special education, related services, and early intervention; and

''(ii) individuals with disabilities; and

''(C) the parent and professional members of which are broadly representative of the population to be served; or

''(2) has—

''(A) a membership that represents the interests of individuals with disabilities and has established a special governing committee that meets the requirements of paragraph (1); and

''(B) a memorandum of understanding between the special governing committee and the board of directors of the organization that clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

''SEC. 683. COMMUNITY PARENT RESOURCE CENTERS.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low-income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information they need to enable them to participate effectively in helping their children with disabilities—

''(1) to meet developmental goals and, to the maximum extent possible, those challenging standards that have been established for all children; and

''(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

''(b) REQUIRED ACTIVITIES.—Each parent training and information center assisted under this section shall—

''(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

''(2) carry out the activities required of parent training and information centers under paragraphs (2) through (7) of section 682(b);

''(3) establish cooperative partnerships with the parent training and information centers funded under section 682; and

''(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

''(c) DEFINITION.—As used is this section, the term 'local parent organization' means a parent organization, as defined in section 682(g), that either—

''(1) has a board of directors the majority of whom are from the community to be served; or

''(2) has—

''(A) as a part of its mission, serving the interests of individuals with disabilities from such community; and

''(B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.

''SEC. 684. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

''(a) IN GENERAL.—The Secretary may, directly or through awards to eligible entities, provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 682 and 683.

''(b) AUTHORIZED ACTIVITIES.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

''(1) effective coordination of parent training efforts;

''(2) dissemination of information;

''(3) evaluation by the center of itself;

''(4) promotion of the use of technology, including assistive technology devices and assistive technology services;

''(5) reaching underserved populations;

''(6) including children with disabilities in general education programs;

''(7) facilitation of transitions from—

''(A) early intervention services to preschool;

''(B) preschool to school; and

''(C) secondary school to postsecondary environments; and

''(8) promotion of alternative methods of dispute resolution.

''SEC. 685. COORDINATED TECHNICAL ASSISTANCE AND DISSEMINATION.

''(a) IN GENERAL.—The Secretary shall, by competitively making grants or entering into contracts and cooperative agreements with eligible entities, provide technical assistance and information, through such mechanisms as institutes, Regional Resource Centers, clearinghouses, and programs that support States and local entities in building capacity, to improve early intervention, educational, and transitional services and results for children with disabilities and their families, and address systemic-change goals and priorities.

''(b) SYSTEMIC TECHNICAL ASSISTANCE; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall carry out or support technical assistance activities, consistent with the objectives described in subsection (a), relating to systemic change.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Assisting States, local educational agencies, and other participants in partnerships established under subpart 1 with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities.

''(B) Promoting change through a multistate or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes.

''(C) Increasing the depth and utility of information in ongoing and emerging areas of

priority need identified by States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes.

''(D) Promoting communication and information exchange among States, local educational agencies, and other participants in partnerships, based on the needs and concerns identified by the participants in the partnerships, rather than on externally imposed criteria or topics, regarding—

''(i) the practices, procedures, and policies of the States, local educational agencies, and other participants in partnerships; and

''(ii) accountability of the States, local educational agencies, and other participants in partnerships for improved early intervention, educational, and transitional results for children with disabilities.

''(c) SPECIALIZED TECHNICAL ASSISTANCE; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall carry out or support activities, consistent with the objectives described in subsection (a), relating to areas of priority or specific populations.

''(2) AUTHORIZED ACTIVITIES.—Examples of activities that may be carried out under this subsection include activities that—

''(A) focus on specific areas of high-priority need that—

''(i) are identified by States, local educational agencies, and other participants in partnerships;

''(ii) require the development of new knowledge, or the analysis and synthesis of substantial bodies of information not readily available to the States, agencies, and other participants in partnerships; and

''(iii) will contribute significantly to the improvement of early intervention, educational, and transitional services and results for children with disabilities and their families;

''(B) focus on needs and issues that are specific to a population of children with disabilities, such as the provision of single-State and multi-State technical assistance and in-service training—

''(i) to schools and agencies serving deaf-blind children and their families; and

''(ii) to programs and agencies serving other groups of children with low-incidence disabilities and their families; or

''(C) address the postsecondary education needs of individuals who are deaf or hard of hearing.

''(d) NATIONAL INFORMATION DISSEMINATION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall carry out or support information dissemination activities that are consistent with the objectives described in subsection (a), including activities that address national needs for the preparation and dissemination of information relating to eliminating barriers to systemic-change and improving early intervention, educational, and transitional results for children with disabilities.

''(2) AUTHORIZED ACTIVITIES.—Examples of activities that may be carried out under this subsection include activities relating to—

''(A) infants and toddlers with disabilities and their families, and children with disabilities and their families;

''(B) services for populations of children with low-incidence disabilities, including deaf-blind children, and targeted age groupings;

''(C) the provision of postsecondary services to individuals with disabilities;

''(D) the need for and use of personnel to provide services to children with disabilities, and personnel recruitment, retention, and preparation;

''(E) issues that are of critical interest to State educational agencies and local educational agencies, other agency personnel, parents of children with disabilities, and individuals with disabilities;

''(F) educational reform and systemic change within States; and

''(G) promoting schools that are safe and conducive to learning.

''(3) LINKING STATES TO INFORMATION SOURCES.—In carrying out this subsection, the Secretary may support projects that link States to technical assistance resources, including special education and general education resources, and may make research and related products available through libraries, electronic networks, parent training projects, and other information sources.

''(e) APPLICATIONS.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, 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.

''SEC. 686. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 681 through 685 such sums as may be necessary for each of the fiscal years 1998 through 2002.

''SEC. 687. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION, AND MEDIA SERVICES.

''(a) IN GENERAL.—The Secretary shall competitively make grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

''(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and utilization of technology.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Conducting research and development activities on the use of innovative and emerging technologies for children with disabilities.

''(B) Promoting the demonstration and use of innovative and emerging technologies for children with disabilities by improving and expanding the transfer of technology from research and development to practice.

''(C) Providing technical assistance to recipients of other assistance under this section, concerning the development of accessible, effective, and usable products.

''(D) Communicating information on available technology and the uses of such technology to assist children with disabilities.

''(E) Supporting the implementation of research programs on captioning or video description.

''(F) Supporting research, development, and dissemination of technology with universal-design features, so that the technology is accessible to individuals with disabilities without further modification or adaptation.

''(G) Demonstrating the use of publicly-funded telecommunications systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

''(c) EDUCATIONAL MEDIA SERVICES; AUTHORIZED ACTIVITIES.—In carrying out this section, the Secretary shall support—

''(1) educational media activities that are designed to be of educational value to children with disabilities;

''(2) providing video description, open captioning, or closed captioning of television programs, videos, or educational materials through September 30, 2001; and after fiscal year 2001, providing video description, open captioning, or closed captioning of educational, news, and informational television, videos, or materials;

''(3) distributing captioned and described videos or educational materials through such mechanisms as a loan service;

''(4) providing free educational materials, including textbooks, in accessible media for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate schools;

''(5) providing cultural experiences through appropriate nonprofit organizations, such as the National Theater of the Deaf, that—

''(A) enrich the lives of deaf and hard-of-hearing children and adults;

''(B) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(C) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences; and

''(6) compiling and analyzing appropriate data relating to the activities described in paragraphs (1) through (5).

''(d) APPLICATIONS.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, 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.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.''.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. EFFECTIVE DATES.

(a) PARTS A AND B.—

(1) IN GENERAL.—Except as provided in paragraph (2), parts A and B of the Individuals with Disabilities Education Act, as amended by title I, shall take effect upon the enactment of this Act.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Sections 612(a)(4), 612(a)(14), 612(a)(16), 614(d) (except for paragraph (6)), and 618 of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 1998.

(B) SECTION 617.—Section 617 of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on October 1, 1997.

(C) INDIVIDUALIZED EDUCATION PROGRAMS AND COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—Section 618 of the Individuals with Disabilities Education Act, as in effect on the day before the date of the enactment of this Act, and the provisions of parts A and B of the Individuals with Disabilities Education Act relating to individualized education programs and the State's comprehensive system of personnel development, as so in effect, shall remain in effect until July 1, 1998.

(D) SECTIONS 611 AND 619.—Sections 611 and 619, as amended by title I, shall take effect beginning with funds appropriated for fiscal year 1998.

(b) PART C.—Part C of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 1998.

(c) PART D.—

(1) IN GENERAL.—Except as provided in paragraph (2), part D of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on October 1, 1997.

(2) EXCEPTION.—Paragraphs (1) and (2) of section 661(g) of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on January 1, 1998.

SEC. 202. TRANSITION.

Notwithstanding any other provision of law, beginning on October 1, 1997, the Secretary of Education may use funds appropriated under part D of the Individuals with Disabilities Education Act to make continuation awards for projects that were funded under section 618 and parts C through G of such Act (as in effect on September 30, 1997).

SEC. 203. REPEALERS.

(a) PART I.—Effective October 1, 1998, part I of the Individuals with Disabilities Education Act is hereby repealed.

(b) PART H.—Effective July 1, 1998, part H of such Act is hereby repealed.

(c) PARTS C, E, F, AND G.—Effective October 1, 1997, parts C, E, F, and G of such Act are hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

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

Mr. GOODLING. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, today the House of Representatives considers H.R. 5, the Individuals with Disabilities Education Act Amendments of 1997. This bill is the culmination of over 2 years of work by the Committee on Education and the Workforce.

Republicans believe that there is nothing more important to the future of our country than providing the opportunity for a high-quality education for all Americans. We believe this can be achieved by working together to build on what works, improving basic academics, increasing parental involvement, and moving dollars to the classroom.

In my view, H.R. 5 represents a significant step in that direction. H.R. 5 focuses the act on children's education instead of process and bureaucracy. This legislation has taken a unique path toward enactment, and I am proud to have led it to where it stands today.

Earlier this year, Chairman JEFFORDS, the gentleman from California, Mr. RIGGS, and I decided to establish a bipartisan, bicameral negotiating process to develop a consensus bill acceptable to all Members of Congress. In February we proposed this idea to our Democrat counterparts and to the administration.

As part of this process, we proposed to invite members of the interested public to participate in the development of the legislation, including educators, parents, and disability advocates. Our House and Senate Democrat colleagues accepted our offer, as did the Department of Education, and for the last 3 months we have worked to create that consensus legislation.

This process was truly historic. I never saw this happen in the 20 years that I have been here. The discussions were an open public dialog on the content of legislation, right down to every line of text that we will pass today.

During weekly sessions since mid-March, educators, parents, and other professionals from around the country have flown to Washington, DC, at their own expense to suggest changes to IDEA. In off-the-record meetings open to any member of the general public, people expressed honest views with candor and thought, and their voices have strongly influenced the work that makes up the bill.

The change in the IDEA amendments will have positive impacts in the lives of millions of students with disabilities. There will be an emphasis on what works, instead of filling out paperwork. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process. The bill will assure parents' ability to participate in key decisionmaking meetings about their children's education. It ensures that States will offer mediation service to resolve disputes, and will reform the litigation system that too often impedes children's education instead of giving them access to education.

Local principals and school administrators will be given more flexibility. The bill includes a provision that will give local schools tremendous relief from IDEA funding mandates, which I might indicate came from the Federal Government, by giving schools the flexibility to actually reduce their own IDEA funding levels. This is an action unprecedented in Federal law.

The bill also ensures that local schools receive more Federal funds by capping State administrative costs at current dollar levels, to ensure that 90 to 98 percent of appropriations increases will go to local schools. The bill will make schools safer for all students, disabled and nondisabled, and for their teachers.

The bill codifies existing authority to suspend a student for 10 days without educational services, and expands upon current procedures for students with firearms. We will enable schools to quickly remove students who bring weapons or drugs to school, regardless of their disability status.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. Where a child's actions are not a manifestation of his or her disability, schools will need to take the same action with disabled children as they would with any child.

Finally, I would like to talk about the Federal funding formula. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

Changes to IDEA in this bill have garnered broad support and praise from educators and disability groups. Before closing, I would like to particularly thank several of my colleagues who have worked on this historic markup. The subcommittee chairman, the gentleman from California [Mr. RIGGS], has worked many hours on the legislation, and I thank him for his work. In addition, the gentleman from Delaware [Mr. CASTLE] and the gentleman from South Carolina [Mr. GRAHAM] have participated as House Republicans.

I would like to thank my Democrat colleagues, the gentleman from Missouri, Mr. CLAY, the gentleman from California, Mr. MARTINEZ, the gentleman from California, Mr. MILLER, and the gentleman from Virginia, Mr. SCOTT, who worked with us in this process, and our Senate colleagues, Majority Leader LOTT and Senators JEFFORDS, COATS, KENNEDY, and HARKIN. The Department of Education, and its staff, particularly Assistant Secretary Judy Heumann, are to be thanked as well.

Our congressional staffs have spent hours and hours and hours, and I want to thank all on both sides of the aisle. I particularly want to recognize Todd Jones, who, as I said the other day, can probably recite any line in this legislation. All you have to do is ask him, and he will tell you the page and probably the line. I thank all for this historic day.

Mr. Speaker, I include for the RECORD the following letters regarding the legislation.

The letters referred to are as follows:

AMERICA ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA, May 5, 1997.

Hon. WILLIAM F. GOODLING,
House Education and the Workforce Committee
2181 Rayburn House Office Building,
Washington, DC

DEAR CHAIRMAN GOODLING: The American Association of School Administrators (AASA) would like to thank you for the wonderful manner in which you guided the reauthorization of the Individuals with Disabilities Education Act through difficult negotiations. AASA is in full support of the IDEA as reported by the House and Senate working group. Your plan of creating one set of negotiations worked better than any of us could ever have predicted.

Local superintendents have been particularly alarmed by the fact that local school districts were bearing the entire brunt of paying for IDEA as costs escalated over the last ten years. Paying for IDEA required not one single legislative fix, but a combination of changes that included: large increases in federal funds; driving a greater share of those funds to schools; creating fairer expectations for state and local sharing of IDEA costs; forced cost sharing of related service with other local and state agencies; and cutting costs of IDEA without hurting children. We are pleased that you addressed all of our concerns regarding the costs of IDEA.

As with most legislation, there is considerable give and take and no one can be pleased with every single provision of the bill. However, because H.R. 5 puts children first we can support it. Children with disabilities are the clear victors in this bill because the program is simpler and better connected to schools in general, especially where children are directly affected, such as evaluations, instruction, and related services. All children are winners because students who bring weapons or drugs to school are easier to remove to alternative settings, as would happen to any student in a similar situation. Make no mistake, IDEA is still a complicated program to administer. Involving parents and other agencies (such as health

care) in planning and service delivery may be a challenge, but the bill shifts these complications away from educators who are already over burdened with paperwork.

We thank you for your leadership in crafting a bill that addresses the cost concerns of superintendents, simplifies the process for children, and eliminates some paperwork for educators. This is a remarkable accomplishment.

Sincerely,

BRUCE HUNTER,
Senior Associate Executive Director.

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, May 6, 1997.

DEAR REPRESENTATIVE:

The National Association of Elementary School Principals (NAESP), representing 27,000 elementary and middle school principals, urges your support of the Individuals With Disabilities Act (IDEA) reauthorization bill when it comes before the Education and the Workforce Committee for a mark-up on Wednesday, May 7. While the bill does not make all the changes NAESP has sought, it represents a reasonable compromise that will help to update the IDEA.

We appreciate the expansion of the discipline provisions to enhance the power of principals to take quick action to make schools safe for all students. We are also pleased that the draft reauthorization bill makes some reasonable changes in the attorneys' fees provision and encourages the use of mediation to solve disputes between families and school personnel. The provision subjecting U.S. Department of Education policy letters to public review and comment is a welcome one. Finally, we are very pleased that the bill has no provision allowing for the cessation of educational services.

NAESP congratulates the leaders in both chambers, the committee and subcommittee chairmen and ranking members, and IDEA staff working group on the prodigious work on an issue that elicits strong emotions on all sides. We hope the legislation will proceed smoothly through action in committee and on the House and Senate floors and be readily enacted into law.

Sincerely,

SALLY N. MCCONNELL,
Director of Government Relations.

This letter is being sent to members of the Committee on Education and the Workforce.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, May 5, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Council of the Great City Schools, a coalition of the nation's largest central city school districts, writes to support H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations which we have received to date. The Council's fifty urban schools districts represent a major segment of the national public education system, enrolling six and a half million children, over 35% of the nation's poor children, 40% of the nation's minority children, and nearly ¾ million disabled children in 8000 schools with 300,000 teachers.

From the outset of your IDEA legislative effort back in 1995, the Council called for a balance bill which would make significant progress in delivering effective services to disabled school children and relieve some of the costs, requirements, and financial burdens placed upon local school districts. Although some issues of importance to the Council might have been addressed more fully, the Council's overall conclusion regarding the bill is distinctly positive.

We believe that H.R. 5, the IDEA Reauthorization, makes significant progress over current law, while retaining the critical protections and directions of this landmark federal statute. H.R. 5 deserves expeditious passage by the 105th Congress without substantial change.

Sincerely,

MICHAEL CASSERLY, *Executive Director.*

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
Brooklyn, NY, May 6, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations that we have received to date.

The provision of special education services and programs to all eligible students has become one of the biggest challenges facing school districts today, especially large urban school districts. Although significant progress has been made in providing a free and appropriate education to all disabled students, the New York City school district, as well as school systems across the nation, continues to struggle with the following issues:

A virtual absence of support services in general education which precludes the provision of prevention/intervention services.

An excess of students being inappropriately referred to special education services when service should be provided in general education.

A focus on compliance-driven model with little attention to student achievement.

A systematic provision of special education services in separate classes.

The need to reduce inappropriate and disproportionate referrals and placement of minority and LEP students in special education.

Based on our analysis of the working drafts, I believe that this bill goes a long way toward addressing many of these issues. Although in any sizable draft legislation, there will be areas of concern and disagreement, the bill overall appears to be balanced and fair. Some costly requirements have been removed or modified from current law, and some of the financial burdens now shouldered by local school districts appear to have been relieved. These revisions should result in improvement of services for disabled children and a more manageable special education program in general.

For the foregoing reasons, I urge you to move expeditiously H.R. 5 through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely yours,

RUDOLPH F. CREW, *Chancellor.*

LOS ANGELES UNIFIED SCHOOL DISTRICT,
Los Angeles, CA, May 6, 1997.

Hon. WILLIAM GOODLING,
Chair, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN GOODLING: The Los Angeles Unified School District supports H.R. 5, the Individuals with Disabilities Education Act (IDEA) reauthorization bill, based on the drafts and explanations that we have received to date.

Together with representatives of a number of other large school districts across the country, our staff went to Washington for two days last week to review the product of the IDEA working group. Although in any sizable legislative draft, there may be issues that produce concern, the bill overall appears balanced, fair, workable, and not overly prescriptive—an improvement of the current law. Some costly requirements have been removed or modified, such as interagency state maintenance. These revisions should result in improved services for disabled children and a more manageable special education program in general.

We respectfully request that the proposed IDEA reauthorization be moved expeditiously through the legislative process without changing the substantive provisions that have produced a balanced bill.

Sincerely,

RONALD PRESCOTT,
Associate Superintendent.

CHICAGO PUBLIC SCHOOLS,
Chicago, IL, May 5, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As Chief Executive Officer of the Chicago Public Schools, I am writing to voice my strong support of H.R. 5, the IDEA Reauthorization bill. Based on the drafts and explanations which I have received to date, the bill contains significant improvements over the current Federal special education law.

The work product of the IDEA Working Group provides a number of changes to the current law that would enable our staff to spend a greater period of time on direct services to children. Although suggestions could be given for any draft of legislation, the bill appears to be balanced and fair. Several costly requirements have been removed or modified from current law, such as relief in the area of attorney fees and reimbursement of unilateral placements by parents. These revisions should result in improvement of services for students with disabilities and a more manageable special education services in general.

I urge you to expeditiously move this IDEA Reauthorization through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely,

PAUL VALLAS,
Chief Executive Officer.

THE SCHOOL DISTRICT OF PHILADELPHIA,
Philadelphia, PA, May 5, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Our participation in discussions, sponsored by the Council of the Great City Schools on the reauthorization of IDEA, has led us to include that the bill represents a step forward in service for children with special needs. We recommend adoption of the present IDEA reauthorization.

We have expressed our suggestions through the Council of the Great City Schools, for certain clarifications in wording as well as potential issues regarding over regulation. Despite these reservations, we do believe that this legislation, particularly its modification of financial assignments, will help us to better serve the school children of Philadelphia.

We recommend your full support to bring the presently drafted IDEA reauthorization to law.

Sincerely,

DAVID W. HORNBECK, *Superintendent.*

BOSTON PUBLIC SCHOOLS,
Boston, MA, May 6, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As Superintendent of the Boston Public School District, I write to support H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations which we have received to date.

Together with a number of other major school districts across the country, our staff came to Washington for two days last week to review the work product of the IDEA Working Group. Although in any sizable draft piece of legislation or legislative analysis there will be issues which produce concern, overall the bill appears balanced and fair. It seems to be a workable revision of this landmark Act, which if not over-regulated, would be an improvement to current law. Some costly requirements have been removed or modified from current law, and some of the financial burdens now shouldered by local school districts appear to have been relieved. These revisions should result in improvement of services for disabled children and a more manageable special education program in general.

I encourage you to expeditiously move this IDEA Reauthorization through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely,

THOMAS W. PAYZANT, *Superintendent.*

THE ARC OF THE UNITED STATES,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, May 5, 1997.

Congressman BILL GOODLING,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: The Arc, the nation's leading organization advocating for children and adults with mental retardation and their families, has great interest in the reauthorization of the Individuals with Disabilities Education Act. More than 10% of students with disabilities served by IDEA have the label mental retardation.

The Arc wishes to convey its deep appreciation to you and your staff, particularly Sally Lovejoy and Todd Jones, for your untiring efforts to achieve the reauthorization of this vital law.

A review of the IDEA Staff Working Group draft in circulation as of today reveals some changes in the law that, if enacted, would improve educational opportunities for students with mental retardation. The Arc appreciates especially the removal from the draft bill of provisions regarding the cessation of educational services and the disciplining of students with disabilities alleged to be ''disruptive''. Other modifications may not be so clearly beneficial or may even be detrimental.

Although each provision in this bill requires scrutiny, it is important that the bill as a whole be assessed. Consequently, taken as a whole, The Arc has determined that the bill is balanced. Thus, we urge this Congress to reauthorize IDEA in accordance with the bill as developed by the Working Group.

Sincerely,

QUINCY ABBOT,
President.

NATIONAL DOWN SYNDROME SOCIETY,
New York, NY, May 6, 1997.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN GOODLING: Thank you for your continued efforts on behalf of reauthorizing the Individuals with Disabilities Education Act (IDEA). The consensus process initiated last year under your leadership has now culminated in a bill with bipartisan, bicameral support. You and your staffs continued involvement and hard work to achieve agreement on the IDEA reauthorization are very much appreciated.

The proposed bill, circulated by the IDEA Working Group on May 2, contains a number of important provisions that will improve educational outcomes for students, strengthen accountability, and increase parental participation. While we do have concerns about certain provisions of the bill, particularly some of the changes to personnel standards and discipline, we recognize that this legislation represents a delicate balance of competing concerns and interests. Taken as a whole, it represents a fair balance among those interests and should be passed.

In closing, please note that our organization, the National Down Syndrome Society, is separate from the National Down Syndrome Congress. Due to the similarity of the names, these two organizations are sometimes confused. Thank you again for your work to reauthorize the IDEA. We look forward to continuing to work with you and your staff through the legislative process.

Sincerely,

ELIZABETH GOODWIN,
President.

NATIONAL ASSOCIATION OF
SCHOOL PSYCHOLOGISTS,
Bethesda, MD, May 6, 1997.

Hon. WILLIAM GOODLING,
Chairman, House Education and Workforce Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: The National Association of School Psychologist commends your leadership in establishing the historic consensus building in the drafting of legislative language for the amendments to and reauthorization of IDEA. This historic, cooperative effort produced legislation which has the potential for improving the educational results for all our children and youth with disabilities. It shows that Republicans and Democrats under your leadership, in cooperation with Assistant Secretary Judith Heumann, can produce positive, family-friendly legislation with a focus on positive academic and behavioral results for children with disabilities.

The National Association of School Psychologists will strive to turn this legislation into practice through school based teamwork with parents, teachers and administrators that ensures effective evaluations, instructional and behavioral interventions, measurement and analysis of results, and careful concern for individualization, inclusion and non-biased services. We will partner with others to ensure that all children will be educated in schools and classrooms that are safe and conducive to learning for all. School psychologists, working with others, will assist teachers, design and provide interventions to help all children with disabilities reach their goals and ensure that those children with challenging behaviors will be supportively educated with their peers as this law intends.

We thank the Committee and its leadership for truly making a good law better by improving the focus on results. We look forward to effective implementation, ongoing meaningful monitoring, and researched findings leading toward national best practices for the more than five million children served under IDEA.

Sincerely,

KEVIN P. DWYER,
NCSP, Assistant Executive Director.

MAY 6, 1997.

Congressman WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Rayburn Building, Washington, DC.

DEAR MR. GOODLING: I am writing to commend you and to express my gratitude to you, particularly you, but also to your colleagues in the House of Representatives and the Senate, for the courage you have exhibited in creating the Individual With Disabilities Education Act (IDEA) Working Group and the IDEA Working Group process. In developing an admirably fair and democratic discussion open to the organizations and individuals interested in the IDEA, the final product is a draft piece of legislation that focuses on achieving strong educational outcomes of children. The bill, if enacted, will allow increased fiscal flexibility as well as greater school-based innovation and accountability. I strongly urge you to support the passage of this bill.

Sincerely,

MADELEINE C. WILL,
Former Assistant Secretary,
Reagan Administration.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, May 7, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the American Psychological Association (APA), its 151,000 members and affiliates, and the families and children they serve, I would like to commend the Working Group on the Individuals with Disabilities Education Act (IDEA) for the thoughtful effort that has gone into developing the current IDEA draft. APA appreciates that the draft represents significant effort on the Working Group's part to balance the sometimes conflicting needs of various interest groups toward timely reauthorization of this important Act.

APA is particularly pleased with several provisions of the draft language. These include:

Provisions that enable children under age nine to obtain special education and related services upon manifestation of a developmental delay and without the need for disability labelling;

Provisions that guarantee continuation of free and appropriate public educational services for children with disabilities regardless of their placement;

The requirement that states establish voluntary mediation procedures prior to due process hearings;

The elimination of the nebulous category of ''seriously disruptive'' as justification for suspension or expulsion of a child with a disability;

The elimination of cessation of services as an appropriate option for discipline of children with disabilities;

The attempts to increase the participation of students with disabilities in state and district-wide assessments; and

The provisions surrounding the conduct of evaluations that emphasize the need for a variety of assessment tools and strategies, the use of multiple measures, and the assessment of cognitive and behavioral factors in addition to physical and developmental factors.

These changes enable APA to support the draft, with the following modifications suggested.

(1) Qualifications of supervisors of paraprofessionals need to be specified. In Section 612(15)(C) the Working Group draft allows appropriately trained paraprofessionals who are supervised to provide special education and related services in areas where personnel

shortages occur. The language does not, however, specify that supervisors of paraprofessionals should be qualified (i.e., certified or licensed) service providers and should only supervise paraprofessionals in their own discipline. Adding this requirement (A) enhances and ensures the quality of service, and (B) reduces cost and potential liability from due process proceedings alleging inaccurate diagnosis or inappropriate treatment and placement provided by less than qualified service providers.

(2) Individual IEP team members should be restricted to interpretation of assessment results for which they are qualified (i.e., discipline-specific). Section 614(a)(4)(A) calls for the determination of disability to be made by a team of qualified professionals (i.e., the IEP team). Section 614(d)(1)(B)(v) requires that an individual who can interpret the instructional implications of the assessment results be included in the IEP team. Although it seems that the Act's intent is for the composition of the IEP team to include professionals qualified to interpret assessment results in their respective areas of qualification (e.g., a medical professional to interpret medical findings, a psychologist to interpret psychological findings), the existing language does not clearly or sufficiently specify this intent.

A specific requirement that qualified assessment professionals be included in the IEP team and interpret and apply assessment findings only within their respective disciplines will ensure cost-effectiveness in IEP diagnosis, treatment planning, and placement by (A) ensuring accurate assessment interpretation and application, and (B) reducing potential due process liability resulting from allegations of inappropriate interpretation and application of assessment data. Furthermore, if appropriately qualified assessment professionals are included in the IEP team, their expertise also will be cost-effective for interpreting and applying assessment findings for disciplinary manifestation determinations.

On behalf of the APA and children with and without disabilities and the adults who care for them, I thank you for your tireless efforts toward achieving a balanced IDEA draft. Please feel free to contact me if APA can be of any assistance as IDEA continues through the legislative and regulatory process.

Sincerely,

RAYMOND D. FOWLER, Ph.D.,
Executive Vice President and Chief Executive Officer.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, May 12, 1997.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives, Washington, DC.

DEAR REP. GOODLING: I am writing on behalf of the American Bar Association to express our strong support for H.R. 5, legislation approved by the House Committee on Education and the Workforce May 7, 1997, to reauthorize the Individuals with Disabilities Education Act (IDEA). We applaud your leadership in particular in working to resolve differences that had stalled action on the reauthorization of IDEA for over a year, and we urge the Senate to support the bill that has now come forward.

IDEA is an essential component of the federal government's commitment to the civil rights of persons with disabilities. Like other civil statutes, IDEA provides legal recourse for parents of children with disabilities when school districts refuse to comply with the law. Under current law, parents are entitled to a due process hearing to challenge the identification, evaluation and educational placement of their child.

The ABA supports the proposed provision in H.R. 5 to expand the Act's due process guarantees to include a right to pursue a claim through mediation. If properly implemented, mediation can be a cost-effective form of alternative dispute resolution. However, proper implementation requires that the mediation process include adequate safeguards to protect the constitutional rights of students with disabilities to a free appropriate education. In this regard, the Education and the Workforce-reported bill is a distinct improvement on previous versions of IDEA reauthorization legislation. It permits parents to participate in mediation with their attorneys present. Previous bills would have removed attorneys from participation in a mediation or allowed their participation only at a second mediation, which we believe would have limited the efficacy and usefulness of the process. This change is consistent with our own experience in successful mediation. Our ABA Section of Dispute Resolution advises that mediation is more successful when there is the opportunity for voluntary participation by all individuals who are essential to resolving the dispute. It is important that the mediator ensure that the individuals necessary for the effective resolution of the matter participate in the first mediation.

Attorneys who represent a party are essential for a full and fair airing of the dispute and to arrive at an agreement. Clearly, this version of the bill will yield more favorable results in the mediation of these disputes.

The ABA strongly supports reauthorization of IDEA with expanded mediation opportunities. IDEA expresses the clear intent of Congress that children with mental, physical, or emotional disabilities should receive free appropriate public education. The Act also includes administrative and judicial remedies to protect the educational rights of children with disabilities and the rights of their parents or guardians to informed decision-making and participation in the provision of appropriate educational opportunities for their children. Your leadership and the hard work of your staff and many others has produced a strong, worthy bill, and we urge the strong support of the House for H.R. 5 and prompt reauthorization of IDEA.

Sincerely,

ROBERT D. EVANS.

MAY 6, 1997.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN GOODLING: We, the undersigned national organizations, wish to commend the Members of Congress and their staff for their extraordinary efforts to reauthorize the Individuals with Disabilities Education Act. The bill as drafted by the IDEA Working Group as circulated on May 2 is, on the whole, fair and balanced legislation and should be adopted.

On behalf of:

National Parent Network on Diabilities.
Learning Disabilities Association.
The Arc.
National Easter Seal Society.
American Association of School Administrators.
National Education Association.
Autism Society of America.
National Association of the Deaf.
National Down Syndrome Society.
Epilepsy Foundation of America.
American Academy of Child & Adolescent Psychiatry.
American Association of University Affilated Programs.
American Foundation for the Blind.
American Physical Therapy Association.
American Speech-Language-Hearing Association.
Association for Education & Rehabilitation of the Blind and Visually Impaired.
National Association of Developmental Disabilities Councils.
National Association of Protection and Advocacy.
National Association of School Phychologists.
National Association of State Directors of Special Education.
National Coalition on Deaf-Blindness.
National Mental Health Association.

Mr. CLAY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, since the 104th Congress our committee has sought to reauthorize the Individuals with Disabilities in Education Act, particularly because it supports vitally important discretionary and early intervention programs for disabled children and their families. That objective has been a most daunting task, but today I am proud that we are one giant step closer to our goal. The bill before us not only reauthorizes the core of IDEA, but it also significantly builds and improves upon existing law.

Mr. Speaker, before IDEA was enacted in 1975, almost 2 million children with disabilities were denied a basic education.

□ 1430

Another 2½ million received grossly inadequate educational services; 25 years ago, millions of American children were effectively denied the basic dignity of an education simply because they were disabled.

Mr. Speaker, today some 6 million children are educated under IDEA and they are able to enjoy productive, meaningful lives. There are many outstanding aspects of this reauthorization bill. It strengthens the role of parents in their children's education, it guarantees that educational services for even the most troubled children will continue, it maintains high personnel standards, and it provides for a nonadversarial context in which parents and school officials can voluntarily mediate their disputes.

Mr. Speaker, achievement of this consensus bill before us today is a truly remarkable example of what we can accomplish when we work together, Democrats and Republicans, the Congress and the administration, when we work together to address the needs of the most vulnerable in our society.

I wish to thank my House colleagues, particularly the chairman, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and the gentleman from California [Mr. MARTINEZ] for their leadership and commitment to make this process work. In addition, I also want to thank the respective staffs for their dedication to this task.

As my colleagues consider this bill today, let me remind them that it represents a very delicate compromise meant to balance the various concerns of many who care deeply about the children and the families affected by

IDEA. I know that Chairman GOODLING and I have received many letters of support and encouragement from education and disability groups, as well as from parent organizations and individual parents. We very much appreciate their kind words.

Mr. Speaker, I urge my colleagues to support this remarkable legislation.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS], the subcommittee chairman, who worked long and hard on the legislation.

Mr. RIGGS. Mr. Speaker, today is truly a remarkable and historic day. It is, I guess, a real tribute to the hard work of our staffs on a bipartisan basis that we could bring this bill, reforming and improving the landmark Federal civil rights and special education statute to the House floor under suspension of the rules, and I want to salute all involved.

As Chairman GOODLING has said, the Individuals with Disabilities Education Act will help children with disabilities by focusing on their education instead of process and bureaucracy, by increasing the participation and the role of parents in the education of their children, and by giving teachers the tools that they need to teach all children.

Let me just explain that the bill that we are considering on the floor today improves the connection of students with disabilities to the regular education curriculum and provides for increased accountability for educational results. It is really significant that we are changing the focus of the bill by raising expectations for the educational achievement for all students, especially those with learning disabilities.

States under the legislation must establish goals for the performance of children with disabilities and develop indicators to judge their progress. A child's individualized educational program, otherwise known as an IEP, will focus on meaningful and measurable annual goals.

Children's IEP teams will include, to the extent appropriate, their regular education teacher. Where localities or States use assessment instruments, children with disabilities will either be included in those assessments or be given alternate assessments to meet their needs. Educational accountability also means informing parents about the educational progress of their children.

Under the IDEA amendments of 1997, parents of children with disabilities will be informed about the educational progress of their children as often as parents of children without disabilities. But even more fundamental than that, parents will be assured the ability to participate in all IEP team decisions, including those related to the placement of their child and the development of the IEP itself. Parents will also be able to access all records relating to their child, including evaluations and recommendations based on those records.

The chairman mentioned the improvements that we are making in the area of mediation and school discipline policies. I also mentioned that this bill will ensure that teachers have the tools to teach all children. Specifically, the bill will shift decisions on the expenditure of Federal training funds from the Federal Government to States and localities. That change will mean more general and special education teachers receiving the in-service training that they need instead of preservice training for special educators that universities desire. So we are shifting the focus more again to staff development and in-service training rather than teacher education in the colleges and universities.

Finally, I would like to mention two other areas that have required attention in the bill. One is the support for charter schools. First, charter schools that are recognized or chartered as their own local education agency, LEA, may opt to be merged into larger LEAs unless the State law specifically prevents this.

Second, non-LEA charter schools, public choice schools, must receive IDEA funds in the same manner as other schools in the same LEA. Third, charter schools are eligible for State discretionary program grant funds under the amendments.

I am also pleased, Mr. Speaker, to report that the bill clarifies, this is a very important point, particularly to my home State of California, it clarifies how services are to be provided to individuals in adult prisons who have been tried and convicted as adults.

A State may now delegate its obligation to oversee prison education to the prison system or the State adult correctional department. Standards relating to IDEA services, placement, and paperwork may also be relaxed to acknowledge the unique security requirements of the prison environment. This bill also allows States, at their discretion, to deny services for adult prisoners while forfeiting only the pro rata share of Federal funding for that small segment of the total IDEA eligible population.

So if this bill becomes law and California decides to deny services to adult prison inmates, the U.S. Department of Education can only reduce California's total Federal allocation by a small percentage instead of withholding the entire allocation, as the department is currently threatening to do.

As the chairman said, this bill represents an unprecedented bipartisan, bicameral effort, bringing together folks on all sides of this issue. I too want to salute the staff for their many, many hours of hard work and say, Mr. Speaker, in conclusion, that this is a bill we can be very proud of. It is a good bill for students with disabilities, their parents, teachers, principals, and school board members. I urge my colleagues to support H.R. 5 today.

Mr. CLAY. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Speaker, I thank the gentleman from Missouri for yielding the time.

Mr. Speaker, I am extremely pleased to join with the Members on the floor today on both sides of the aisle in supporting this important and historic piece of legislation, historic because of the cooperation of all parties involved. This reauthorization is the product of over 2 years of work. But unlike the past 2 years, the most recent 2½ months of negotiations were bipartisan. As has been said before, these negotiations were aimed at maintaining the safeguards provided in current law and making modifications where the last 22 years has shown the need for change.

The discussions between House and Senate Democrats and Republicans and the administration began with current law as its starting point. Careful consideration was given to the provisions of the current statute and, where necessary, it was amended to reflect the current difficulties in providing children with disabilities a free and appropriate public education.

Since this law is an extremely important civil rights initiative, I can assure my colleagues that the test used to modify current law was extremely high. This bill before us today makes several much needed changes to current law.

Included in this reauthorization are an affirmative statement barring the cessation of educational services for children with disabilities; provisions requiring that alternative educational settings be designed to allow the child to progress in the general education curriculum; and mediation which is voluntary with respect to the participation of both schools, parents and all those involved. Also included in this bill is the maintenance of high personnel standards, and improved enforcement provisions designed to give the Department of Education and the States the ability to require proper implementation of the act.

Specifically, this bill makes several significant changes to current law, including a change in the Federal funding formula from one directed by child count to a formula based on population and poverty. I want to stress that no one should view this change in Federal formula to reflect the lack of need to identify children with disabilities.

Under the act, States and localities will still be charged with identifying children with disabilities and providing proper educational and related services. In addition, the bill also makes changes regarding the mandate that States serve juveniles in adult correctional facilities.

While the bill before us today provides several exemptions for serving disabled children in adult correction facilities, States will still be required to serve those who had an individualized education program in their last

educational placement. Members need to understand that disabled children do not often go straight from school to jail. However, the high dropout rate of children with disabilities often lead to these individuals encountering our justice system.

Fortunately, the provisions in this bill will ensure that those children who drop out and then get into difficulties with our justice system will continue to be served in adult correctional facilities. Like those who have gone before me, I want to thank the Members that have worked on this bill: the chairmen, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. RIGGS], the ranking member, the gentleman from Missouri [Mr. CLAY], the gentleman from California [Mr. MILLER], the gentleman from Missouri [Mr. KILDEE], the gentleman from Virginia [Mr. SCOTT], the gentleman from Delaware [Mr. CASTLE], and the gentleman from South Carolina [Mr. GRAHAM].

The contributions of these Members and their staffs to this measure were essential to creating its carefully balanced nature. The staff in particular worked long into the night and on weekends, and this effort should not go unnoticed.

In total, Members need to remember this measure is a carefully crafted compromise that means that both sides have to negotiate with the aim of finding a middle ground upon which we could agree. This bill is reflective of this throughout the provisions it contains because it contains provisions from both sides of the aisle.

While the bill before us provides several exemptions for serving disabled children at adult correctional facilities, States will still be required to serve those individuals who had individualized education programs in the last educational placement.

Mr. Speaker, this bill is one that deserves the merit and support of all the Members of Congress, and I urge all my colleagues to support this bill.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. The Individuals with Disability Act has been in existence since 1975 to ensure that all children have access to a free and appropriate public education.

Prior to the enactment of IDEA, disabled children were often denied adequate public education. This legislation is critically important to millions of disabled children in America, not to mention their families, their friends, and their teachers. This law, however, has had unintended and costly consequences.

For example, it has resulted in children being labeled as disabled when they were not. It has resulted in school districts unnecessarily paying expensive private school tuition for children. It has resulted in cases where lawyers have gamed the system to the detriment of schools and children. It has resulted in unsafe schools where teachers and administrators cannot discipline or remove violent disabled students.

While this consensus bill does not contain everything I would like, I give it my strong endorsement. It contains a number of important reforms that address some of current law's unintended and costly consequences. To save Members the trouble of reading this 100-plus page bill and pulling out specific reforms themselves, I have compiled the following top 10 list of reasons to support the bill, and I would deliver it David Letterman style:

No. 10. This bill encourages use of mediation, promoting cost-effective resolution of conflicts.

No. 9. This bill makes it harder for parents to unilaterally place a child in elite private schools at public taxpayer expense, lowering costs to local school districts.

No. 8. This bill sends more money to local schools, alleviating their financial burdens.

No. 7. This bill modifies attorneys' fees, reducing litigation and eliminating the incentive that lawyers have to try and game the system.

No. 6. This bill makes changes to the formula, reducing incentives to overidentify children.

No. 5. This bill prevents the identification of children as disabled if they actually have reading problems instead, also reducing overidentification of children with disabilities.

No. 4. This bill eliminates the two-track disciplinary system in schools, making schools safer and more conducive to learning.

No. 3. This bill gives parents access to more information, empowering parents to become more involved in their child's education.

No. 2. This bill reduces paperwork requirements, lessening the amount of time wasted filling out mind-numbing forms.

No. 1. This bill protects the rights of disabled children to receive a free, appropriate, public school education, assisting them in their efforts to become productive and fulfilled adults.

□ 1445

The committee had an important opportunity to approve IDEA and build on its previous successes, and it worked in a bipartisan manner to achieve this goal. I want to commend the committee leadership and staff for its excellent work in drafting this bill. I urge my colleagues to give this bill their support.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

I am pleased to join my colleagues in both parties today in support of this remarkable achievement on behalf of children with disabilities and their families. I have always believed that it is an honor and a privilege to serve in Congress. I believed that 23 years ago when I was one of the original coauthors of this legislation, and I believe that today as we seek to revise this legislation to make it meet the needs of both our children and the school districts which educate them.

We had some very serious disagreements when we started this process two years ago and at that time we had several critical points that prevented us from coming together. I believed then and still believe that all children regardless of the nature or severity of their disability must be guaranteed a free and appropriate education and that no child should be denied an education. I believed then and still believe that the treatment of children with disabilities should be guided by what we know about the nature of the child's disability and its effect on his or her behavior. I believed then and still believe that parents are entitled to pursue all legal avenues available for them to ensure that the child is treated fairly. Unfortunately, some have argued for provisions which would have curtailed or severely diminished these rights. I am pleased that the bill before us maintains the fundamental rights we established in that groundbreaking law 23 years ago.

This progress was not easy. We had to overcome some real and difficult disagreements. Those of us who believed the rights of the children and parents were going to suffer were able to work with our colleagues in Congress who saw the issue differently and were able to agree that the rights should be protected. What we strove to achieve and what I believe we accomplished is a bill that protects the rights of children with disabilities and at the same time fosters cooperation between parents, teachers, school boards, administrators, and State and local agencies to help ensure that each recognizes their responsibilities and that each must make a commitment to work collaboratively to serve the best interests of all children.

Mr. Speaker, during our deliberations on this act, I received in the mail a letter from an old friend of mine, retired Superior Court Judge Robert J. Cooney, enclosing a book written by his son Peter describing what life was like for a child with Down's syndrome and for that child as he becomes an adult and seeks his place in American society. Over the years I have had the opportunity to watch Peter grow as he progressed through school, participated in the Special Olympics and achieved greater and greater independence.

Peter makes it clear in his book the importance of family and available resources. He says it is the love of parents and others that make a person special. We need help sometimes. Parents and teachers and counselors should help us when we need their help,

but do not do too much for us. Some counselors need to think of us as special. Part of their job is helping us become independent.

Peter is now 32 years old, lives in a residential facility, and works in the food service business at Cosumnes River College in Sacramento when he is not attending his book signings.

Mr. Speaker, this legislation is about empowering parents and students to be able to get the best education they can so that, like Peter, they will have a chance to participate fully in American society.

Before this law, Mr. Speaker, was on the books more than a million children with disabilities were not allowed to be educated. This rewrite makes sure that they continue to have those rights.

Mr. GOODLING. Mr. Speaker, I yield 1 minute the gentleman from California [Mr. MCKEON], subcommittee chairman.

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

I rise today in support of H.R. 5, the Individuals with Disabilities Education Amendments Act. This legislation is a result of several years work with input from individuals and organizations representing the disabled, the education community, and parents. The outcome of this great effort is legislation that will substantially improve the current system of education for the disabled. In fact, this is the first major overhaul of the IDEA legislation in over 20 years. I commend the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS] and all the Members involved in this vast undertaking.

H.R. 5 contains key reforms which increase parent participation, better connect students to the regular curriculum, provide support for the unique needs of individual students, provide more dollars to the classroom, reduce the costs of litigation, and reduce paperwork and process costs. There is no question these reforms will create a better system. I ask all to support the passage of this bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise to join my colleagues in strong support of H.R. 5, the amendments to the Individuals with Disabilities Education Act, and I want to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], the gentleman from Missouri [Mr. CLAY], and the gentleman from California [Mr. MARTINEZ], ranking Members, and the leadership of the Senate for their leadership in crafting this truly remarkable bill. This legislation is extraordinary, not only because of its bipartisan bicameral and administration support, but also because it improves educational opportunities for children with disabilities.

With the enactment of the Individuals with Disabilities Education Act, twenty-two years ago, Congress recognized that 3.5 million of the children with disabilities in the United States were not receiving appropriate educational services and more than a million children were excluded from school altogether.

Today Congress not only reaffirms our commitment to education generally, but we are also reaffirming our commitment to ensuring that children with disabilities receive a free and appropriate education.

While some may argue that the price is too high, we know that our failure to provide appropriate education to any child will cost us even more in the long run and we know that children with disabilities who do not complete their education are less likely to be employed, more likely to rely on public assistance, and substantially more likely to be involved in crime than those others who complete high school. While the same can be said for the outcomes of children without disabilities, research demonstrates that these correlations are even stronger for children with disabilities.

Today we are here to support H.R. 5, because it significantly moves us towards fulfilling the promise we set 22 years ago, to provide a free and appropriate public education for all children with disabilities. So, Mr. Speaker, I would encourage all of my colleagues to support this remarkable legislation.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. BARRETT], another member of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, ask any school official to identify the one program in their school in which costs have increased dramatically and that person will probably identify the special education program. Ask any parents of a disabled child the greatest source of their frustrations in the school system and they will probably point to the school's special education program.

This bill presents schools and parents with needed changes to Federal mandates that have gone underfunded. The bill would reduce paperwork and process costs without jeopardizing the educational services needed by our disabled children. It gives parents and schools the opportunity to seek mediation of their disputes before heading to costly court action.

But one particular provision will take an unprecedented step in Federal education law, by allowing local schools to actually cut back on their special education spending, once Federal appropriations reach $4.1 billion, which is $1 billion more than the current appropriations. I think it is proper to allow schools to relieve themselves somewhat from the burden of shouldering the cost of an underfunded Federal mandate. As Federal appropriations will be used to help supplement local spending, disabled students should not experience a decrease in their services.

I want to express my deep appreciation to the staff and to the subcommittee chairman, the gentleman from California [Mr. RIGGS] and to the chairman, the gentleman from Pennsylvania [Mr. GOODLING], and to the majority leader for crafting a bill that will provide relief to schools and parents and maintain our commitment to the educational services needed by our disabled children.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of H.R. 5. As someone that has learning disabilities, I knew what it was like to grow up and not have the educational opportunities. Luckily, my son was able to go to school and at that time they dealt with learning disabilities. It was during that time as he went to school I learned how to read, I learned how to study.

What this bill does is give children hope, certainly, but it gives them an opportunity to go out in the work field. The most important thing, though, it does allow the children to have self-esteem, and I think that is the most important thing.

I stand here because I am a Member of Congress now. I want the children out there to know, even though you have learning disabilities, you have a chance to learn and certainly you can do anything with your life that you want to.

I am pleased that H.R. 5 addresses concerns that my constituents have raised. It provides financial relief to school districts that struggle with the high cost of educating students with disabilities. It also addresses the issues of transportation training, which ensures that students have access to education and to jobs later in life.

Most of all, I am pleased that this bill is the product of bipartisan process. Educating children with disabilities is not a Democratic or a Republican issue, but a priority for all of us that must be addressed. It has been a pleasure working on this bill with both sides of the aisle and my colleagues. I think everyone did a wonderful job and everyone should be commended. But the bottom line is, we have remembered the children, and they are our best product for this country and they are the future of this country.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to gentleman from Georgia [Mr. DEAL], another member of the committee.

Mr. DEAL of Georgia. Mr. Speaker, I commend the gentleman and commend the subcommittee chairman and the staff for their hard work and to the minority for their hard work in the development of this piece of legislation.

I rise in support of H.R. 5. As someone who is involved with education through my wife's teaching in a middle school in my district, I think that I can share with my colleagues the same concern that most administrators and

teachers would say when they consider the Disabilities Act in terms of its impact on education. That specific area that I wish to touch on is the area of discipline.

It is indeed difficult to balance and achieve a reasonable balance between those who suffer from disabilities and those who are being educated along with them who are not under those disabilities. In the area of discipline, it is a difficult subject. This bill provides some necessary relief. Under this legislation, if a child is involved with drugs or with a weapon and is a disability child, it increases to 45 days the time in which they may be placed in an alternative teaching environment. It also increases to 45 days the time in which a child that is involved in a disciplinary problem in which danger to other children is involved.

Mr. Speaker, I commend the committee and thank the gentleman for yielding the time to me.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise to commend my colleagues on the Committee on Education and the Workforce for their efforts to create this bipartisan piece of legislation. Reauthorization of the Individuals With Disabilities Education Act, H.R. 5, was a high priority for me in this session of Congress. I was proud to be a part of a bipartisan effort to ensure that 5.8 million disabled children receive an opportunity to succeed in the classroom.

For students and parents in Orange County, CA, in my hometown, this bill envisions high expectations and standards for children in special education by requiring that they participate in State and district assessments with appropriate accommodations where necessary.

H.R. 5 would expand the authority of school officials to protect the safety of all of our children in the classroom. In addition, the bill will allow school districts to get financial relief through new cost sharing provisions and the reduction of paperwork required from teachers, from school districts, and from States.

□ 1500

I urge my colleagues to support this critical piece of legislation because it affirms that educational services will not be terminated for any child with a disability.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, this bill is a monumental bill. My colleagues on the other side, the gentleman from Missouri [Mr. CLAY], and the rest of them, and the gentleman from Michigan [Mr. KILDEE], we worked on this bill when I was chairman of the subcommittee.

If we look at the difficulty of getting a bill through, between parent groups and schools, what the committee has done is monumental. On one hand we have parents that are thrust into an environment they never planned on having with a special education child and they are bewildered. On the other side there are the immense costs to the schools. And to bring those two groups together, I applaud both sides of the aisle.

I think for the first time we have been able to enhance the amount of dollars and the services available to these children but, at the same time, giving the schools the flexibility that they need to handle the special education needs.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

I want to compliment the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], the gentleman from Missouri [Mr. CLAY], the gentleman from California [Mr. MARTINEZ], and the gentleman from Michigan [Mr. KILDEE], and I want to thank them for including the language from my Braille Literacy Act that I submitted several years ago.

Just briefly, in 1968 there were 20,000 visually impaired students; 40 percent could read Braille, 45 percent could read large print. In 1993, there were 50,000 visually impaired students; fewer than 9 percent could read Braille, 27 percent could not read print, and, Congress, 40 percent of those visually impaired students could not read either or at all.

I want to thank my colleagues for including language from my bill, the Braille Literacy Rights for Blind Americans Act. I want to compliment Tom Anderson, a constituent from my district, for his efforts in this as well. It basically says in the case of a child who is blind or visually impaired, it provides for instruction in Braille and the use of Braille, and also to consider the communication needs of the child. In the case of a child who is deaf, hard of hearing, blind or communicatively disabled, consider the language and communication needs of the child.

I think we have done more with this bill than we may realize. I thank my colleagues for working with me and including language from my bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Ohio's partner on my side of the aisle and a former teacher.

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

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman for yielding me this time. I will speak quickly since I only have 1 minute.

I want to congratulate the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and all the members of the Committee on Education and the Workforce for their hard work and perseverance.

This really is a historic bill. What has been done in terms of making it bicameral and bipartisan, it passed out of both the House and the Senate committees without one dissenting vote. It will continue to make it possible for millions of children and youth with disabilities to gain a meaningful education.

Before IDEA, the vast majority of children with disabilities were unserved and underserved. IDEA has created a future for these children with real opportunities and has been a real success in human terms. I can think of Cecilia Pauley in my district who had Down's syndrome. With the support of a loving family, she graduated from high school and is attending college. She could not have done this without IDEA.

The bill on the floor today will help other parents provide that kind of support for other children just like Cecilia. It encourages parents to be involved in their children's education, takes into consideration parental preferences and concerns in the development of an individualized education plan, which is guaranteed for every child in a special education program.

I am also pleased they worked out some of the problems we had last year in terms of providing for alternative settings so that students with disabilities who are expelled can continue their education. I just think this is a terrific bill and I ask the support of this entire body and congratulate all involved, Members and staff.

Mr. CLAY. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Missouri [Mr. CLAY] has 3½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 3 minutes.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Guam [Mr. UNDERWOOD].

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

Today, Mr. Speaker, I rise in support of the reauthorization of the act, and I am very pleased this Congress has been able to develop a bipartisan bill. I am especially pleased that the territories and freely associated states were appropriately considered and included in the crafting of funding mechanisms.

Disabled students and their parents on Guam and in the other territories are as eager for access to quality education as their peers in the States, and they certainly need the same tools as their peers to succeed academically. Access to quality education and a chance to succeed is all our students want, whether they are disabled or not.

The reauthorization of IDEA will go a long way in providing this opportunity, and I am proud to support this very bipartisan effort. I want to congratulate Members and staffs on both sides of the aisle who have worked out a compromise on the inclusion of the

territories and the three freely associated states, the Republic of Palau, the Republic of the Marshall Islands and the Federated States of Micronesia, in this important legislation.

Sometimes it certainly seems to those of us in the islands that there are as many funding strategies as there are Federal programs, and this is especially true for us. The chairman may remember discussions I have had with him about this issue during the 104th Congress, and I thank him for his efforts in this regard.

H.R. 5 allows the territories to take advantage and participate in any increases in appropriations while providing funds for the freely associated states through a competition with the Pacific territories for the next 4 years. While I have continuing concerns about using a nongovernment entity as a broker of funds intended for areas in which there are some very complex relationships, I certainly support the intent of this funding.

I am informed that this mechanism will also be used as a model for future education and training legislation in an effort to clarify the patchwork nature of territorial funding.

I congratulate the chairman and ranking member on their successful bipartisan effort, and I urge my colleagues to approve H.R. 5 on behalf of our children, whether they are in urban centers or suburbs or rural areas, or what we sometimes think of as very faraway islands, especially in those islands, areas where specialized services are rare or simply unavailable.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time, and I would close by merely again thanking all on both sides of the aisle for all their efforts to put together this bipartisan, bicameral bill, and all those from the outside who worked diligently to bring this about.

I should mention Sally Lovejoy on the staff, who has been at this legislation for 13 years. So we want to pay tribute to her. She is only 25, but she has been at the legislation for 13 years.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to commend the House of Representatives on considering H.R. 5, a bill to reauthorize and reform the Individuals With Disabilities Act [IDEA]. This bill renews and strengthens our promise to children with disabilities and their families that they will receive an education equal to that of their peers.

While the original IDEA legislation was critical in opening up educational opportunities to disabled students and enhancing efforts to include them in classes with other students, this legislation continues the commitment of the previous Congress to address the issue of actually providing adequate resources to individual States in educating children with disabilities. Last year, the Appropriations Committee, of which I am a member, increased funding for IDEA by almost $800 million to $3.1 billion for fiscal year 1997, the most in IDEA's history. H.R. 5 authorizes a $1 billion increase for IDEA in fiscal year 1998 and, within 7 years, funding for the program increases to $11 billion.

This bill, if enacted, will also improve the way States, schools, teachers, and parents work together to provide better education for children with disabilities. The new IDEA reform legislation will help children with disabilities by focusing on their education, instead of process and bureaucracy. It will also give parents increased participation and give teachers the tolls they need to teach all children. Moreover, this bipartisan legislation fulfills a proper Federal responsibility of protecting individual rights by insuring that children with disabilities have an equal opportunity to learn and succeed.

Although there were a number of contentious issues involved while drafting H.R. 5, Chairman GOODLING did a tremendous job of leading a bipartisan efforts in working with the many organizations representing the concerns of individuals with disabilities, their families and teachers, as well as school administrators and nurses. Today's vote in support of the IDEA reauthorization is a testament to the bipartisan and overwhelming support of this House to the needs of children with disabilities.

Mr. CONDIT. Mr. Speaker, I rise today to alert you to my concerns with certain provisions contained in H.R. 5, the Individuals With Disabilities Act Amendments of 1997.

Specifically, I am opposed to the provisions in this bill that require States to provide special education services to disabled individuals aged 16 to 21 who are incarcerated. I have always been supportive of an all out effort to provide educators with the necessary resources to properly train and educate those with disabilities. For this reason, I must object to requiring States to spend their scare education resources to serve prisoners.

As you may be aware, both the Governor of California and California's legislative bodies have registered their disapproval of provisions mandating that the State provide special education services to convicted felons. While there may be prisoners who would benefit from such services, the States ought to be trusted to make this decision on their own. Equally disturbing is the provision allowing the Department of Education to penalize States who fail to comply with this requirement by withholding all special education money granted to a State.

Notwithstanding my objections to these provisions, the overall merits of H.R. 5 warrant my support at this time. The objectionable provisions must be revisited by Congress.

Chairman BILL GOODLING, Representative BILL CLAY, Representative FRANK RIGGS, and Representative MATTHEW MARTINEZ are to be commended for expediting this reauthorization process and I look forward to working with all of them to address the concerns raised by the State of California.

Mr. DUNCAN. Mr. Speaker, I rise in support of this legislation which makes some very important changes to the Individuals With Disabilities Education Act.

We need to do our very best in educating the young people in our country. In addition, I believe we especially need to help those with disabilities.

I admire the people who work very closely with these children on a daily basis. In fact, I would say that these are the people who, along with the parents, are most concerned with how this program is operating. They feel that too much money has been wasted in legal fees. Instead, they would like to see much more of the funding go directly to helping these special students. I agree.

A few years ago, I met with a school superintendent from my district, Allen Morgan, and one of his main concerns was the cost of legal fees associated with this program. As a result, on August 5, 1993, I introduced H.R. 2882, which would have reduced the amount of money school systems have to spend for attorney fees. Do you want the money spent on lawyers or on severely disabled students?

Under the legislation I introduced, State and local education agencies would not have had to pay attorney fees for preliminary administrative hearings and negotiations. This would have saved many millions of dollars across the country. However, it would still have allowed parents who prevailed in a civil action to be reimbursed for legal expenses. I am pleased to know that the authors of this bill have included similar language in this legislation.

The bill on the floor today will save direly needed funds for educating the disabled by reducing the amount of money spent on overly excessive attorney fees. I urge my colleagues to support this legislation which will help get more money to the children who need it the most.

Mrs. ROUKEMA. Mr. Speaker, I rise today to clarify some of the language in the Individuals With Disabilities Education Act that we are looking to enact into law today. This is a much needed piece of legislation which has been created with the participation and consideration of a large variety of interests. We should be proud of this historic moment.

The section I would like to clarify involves personnel standards. This section has some potentially unclear language, which I would like to make clear. When the bill refers to the qualified individual who must be making satisfactory progress toward completing applicable course work necessary to meet the standards described earlier in the legislation, it is referring to the standards that are consistent with State law applicable to the profession or discipline. This clarification is important to answer an confusion that may arise.

Mr. GOODE. Mr. Speaker, today, with reservations, I support H.R. 5, the Individuals With Disabilities Education Act Improvement Act of 1997.

Even before I came to Congress in January of this year, local school administrators and school board members from my home in Franklin County, VA, had alerted me to the grave fiscal dilemma they face in attempting to comply with IDEA. These local school officials and many of their colleagues in similar rural areas are finding it increasingly difficult to meet the needs of students with disabilities because of inadequate Federal funding and overly stringent Federal restrictions.

These local officials are sincere in their commitment to provide an education to every young person that they serve, whether that person is faced with a disability or not. They are, however, increasingly confronted with nearly impossible dilemmas as the costs of special education rapidly increase. With this bipartisan bill, we will give these dedicated local officials some relief and will begin to meet the commitment to the level of funding that Congress made to States and localities when IDEA was enacted.

There is one section of this bill that does trouble me. In some instances, a student may

engage in egregious misconduct that would result in expulsion except that such student is covered by IDEA. In those instances, I believe expulsion is merited and should be left to policies developed by the States and the localities. On February 5, 1997, the Circuit Court of Appeals for the Fourth Circuit ruled that the U.S. Department of Education was without authority to condition receipt by the Commonwealth of Virginia of IDEA funding on the continued provision of free education to disabled students who have been expelled or suspended long term for criminal or other serious misconduct unrelated to their disability. I agree that decisionmaking on these very case-specific instances should be left to localities and States and disagree with this aspect of this bill.

On the whole, however, this bill offers improvements and gives schools greater flexibility, promotes cost-sharing between State and local agencies and recognizes the role of teachers.

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise in support of H.R. 5, the IDEA Improvement Act. I am pleased to see it moving toward enactment, hopeful that continued improvements can be made, and thankful to those citizens, staff, and members who have made it possible.

The Individuals with Disabilities Education Act, or IDEA, is based on one principle: That children with disabilities deserve a fighting chance to achieve the American Dream. Since its enactment in the 1970's, this law has made education and opportunity available for millions of children with disabilities. Many of these Americans, who once would have been consigned to costly institutions for life, have used their education to sustain themselves and become contributing members of society. They are better for it, and the country is better, too.

But the law has not been perfect. Over time, cooperation in pursuit of education has gradually given way to divisive and costly litigation that usurps scarce resources from children's schooling. Congress and successive administrations have failed to keep their promise to fund 40 percent of States' costs to comply with IDEA and provide free, appropriate public education in the least restrictive environment, as the law requires. And the distribution of funds among the States has grown unfair and unequal, with some States receiving substantially more funding per school-age child than others.

In the 104th Congress, we pledged and worked to do better. And we did. I was privileged at the time to serve as chairman of the House Subcommittee on Early Childhood, Youth and Families. We assembled a historic coalition of citizen representatives of children with disabilities, educators, the administration, Republicans, and Democrats to develop an IDEA Improvement Act that we could all agree upon. We reported a bill out of subcommittee, to the full committee, to the House, and forwarded it to the Senate by voice vote. Unfortunately, the late-session crunch and latent divisions forestalled its enactment. Nevertheless, Congress recognized the progress we had made by providing an equally historic, first-time substantial increase in IDEA funding, some $4 billion total in fiscal year 1997, $700 million more than in fiscal year 1996.

Now, the 105th Congress is completing the work we began in the 104th Congress. Under the leadership of Education Committee Chairman BILL GOODLING, Early Childhood Subcommittee Chairman FRANK RIGGS, and the majority leader of the other body, we now have an IDEA Improvement Act that all sides agree is an improvement. It focuses anew on the education of children with disabilities. It improves schools' administration of special education. It assures that additional IDEA appropriations are distributed in a more equitable manner, freeing the Appropriations Committee on which I now serve to fund IDEA more robustly and responsibly. And it replaces litigation and division with mediation and a more cooperative process for resolving disputes.

Like the IDEA Improvement Act of the 104th Congress, this measure before us today is not perfect. H.R. 5 does not address the inequitable distribution of current IDEA funding. It does not give States enough relief from certain mandates, particularly those relating to IDEA-mandated educational services for convicts in jail. And it does not give schools and communities as much flexibility as I would prefer in implementing an educational program, and ensuring the fair conduct of disciplinary procedures. It is a product of compromise and a great deal of hard work and sacrifice from all parties. And I am glad to say that it is, on balance, a very good bill that will do well by our children and our schools.

Finally, I would like to publicly recognize a number of the people who made this measure possible. Chairmen GOODLING and RIGGS, and my former Early Childhood Subcommittee ranking member DALE KILDEE—now ranking on the Higher Education Subcommittee—have done yeoman's work in carrying this difficult task through. The Senate majority leader, and his chief of staff, David Hoppe, coordinated a months-long march of meetings between all parties to hammer out an agreeable bill, and they have done marvelously. And Jay Eagen, Sally Lovejoy, and Todd Jones of the Education and Workforce Committee staff deserve recognition for distinguished service on this issue on behalf of many Members of the Congress. I was privileged to work with all of them in the 104th Congress. Many others deserve special recognition, especially the families, special education students, teachers, school board members, and administrators who contributed their work and experience to this measure.

I urge Members to support H.R. 5. It goes to show that when we work together, we can get the job done.

Mr. PAUL. Mr. Speaker, I rise to oppose H.R. 5, the Individuals with Disabilities Reauthorization Act of 1997 [IDEA]. I oppose this bill as strong supporter of doing all possible to advance the education of persons with disabilities. However, I do not think that a huge bureaucracy is the best way to educate disabled children. Parents and local communities know their children so much better than any Federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that the unique needs of my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of ''Cookie Cutter'' approach.

At a time when Congress should be returning power and funds to the States, IDEA increases Federal control over education. According to the Congressional Budget Office Federal expenditures on IDEA will reach over $20 billion by the year 2002. This flies in the face of many Members' public commitment to place limits on the scope of the Federal bureaucracy.

H.R. 5 imposes significant costs on State governments and localities. For example, the new bill requires one regular education teacher to take part in each individual education plan [IEP]. According to certain education experts, this could require as many as 10 to 15 teachers be present at each IEPO meeting. This bill also requires States to include disabled students in all statewide assessments by 1998 and develop alternatives for students unable to participate in the regular exams by the year 2000. According to the National Association of State Boards of Education [NASBE], this mandate will increase assessment costs by 12 percent.

NASBE's May 9 letter to Congress identifies several other provisions in H.R. 5 that will impose new financial burdens on the States. I ask that the letter be read into the RECORD.

As I see Members of Congress applaud the imposition of more mandates on States, I cannot help but think of a letter I received from the high school principal asking for some relief from Federal mandates imposed on her by laws like IDEA. I would ask all my colleagues to consider whether we are truly aiding education by imposing new mandates or just making it more difficult for hard-working, education professionals like this principal to properly educate our children?

The major Federal mandate in IDEA is that disabled children be educated in the least restrictive setting. In other words, this bill makes mainstreaming the Federal policy. Many children may thrive in a mainstream classroom environment, however, I worry that some children may be mainstreamed solely because school officials believe it is required by Federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner Testified before the Education Committee that disabled children who are not placed in a mainstream classrooms graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

Mr. Speaker, it is time to stop sacrificing children on the alter of ideology. Every child is unique and special. Given the colossal failure of Washington's existing interference, it is clear that all children will be better off when we get Washington out of their classroom and out of their parents' pocketbooks. I therefore urge my colleagues to cast a vote for constitutionally limited government and genuine compassion by opposing H.R. 5.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, May 9, 1997.

DEAR REPRESENTATIVE: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. We are writing to express our opposition to the changes made to the state set-aside formula in the compromise agreement on the individuals with Disabilities Education Act (IDEA).

Under the new legislation, the state share is capped at the FY97 level, with all future increases equal to the rate of inflation or the federal appropriations increase—whichever is less. This new formula also applies to the state's 5% administration reserve. This

limit, especially as applied to state administration, will place severe burdens on already strained state education budgets and will result in an enormous federally unfunded mandate.

IDEA is a highly prescriptive law requiring vigilant state monitoring and evaluation to ensure disabled students are receiving all appropriate educational services. The new mandates will create even more administrative and oversight responsibilities for state education agencies (SEAs), while at the same time significantly decreasing the federal funds necessary to carry out such functions. Because of the artificial limits placed on the states' administrative share, the excess costs of administering the programs, distributing grants and ensuring local education agency (LEA) compliance with the law will be borne solely by the SEA.

In addition, the proposed legislation directs the states to implement the following new programs: (1) Include disabled students in all state-wide assessments by 1998 and to develop alternatives for students unable to participate in regular exams by the year 2000. (At the very least, this mandate will increase state assessment costs by 12%, the national average of disabled students in the general school population); (2) Establish and operate a mediation system for use by LEAs and parents; (3) Develop and implement state performance goals and indicators for disabled students.

The states are responsible for all of the costs incurred by creating and maintaining the above programs. The federal government is providing absolutely no new financial assistance to help offset these expenses.

The reduction of the state set-aside severely undermines the historic federal, state and local partnership and 20-year old cost-sharing arrangement that have worked so well in delivering a free, appropriate public education to disabled students. We urge you to amend the IDEA compromise agreement by allowing funding increases of up to 5% annually for state administration.

Sincerely,

BRENDA L. WELBURN,
Executive Director.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Individuals With Disabilities Education Improvement Act, H.R. 5, and commend its sponsor, the distinguished chairman of the Committee on Education and the Workforce, Mr. GOODLING, and the chairman of the Subcommittee on Early Childhood, Youth and Families, Mr. RIGGS, for their diligent work in bringing this important bipartisan legislation to the floor.

This measure effectively incorporates numerous initiatives that have been proposed by educators and school board members in my district. This bill seeks to give the classroom teacher the ability to maintain adequate discipline with regard to special education students. While previous law prohibited a school from suspending or expelling a disabled student for more than 10 days, except in the situation where the student has brought a gun to school, this bill provides for removal to an alternative placement for students who bring weapons to school, bring illegal drugs to school, or illegally distribute drugs in schools, students who engage in assault or battery and students, who by proof of substantial evidence present a danger to himself or others. I believe that this bill effectively addresses that issue of classroom safety, while still maintaining protection for the students against arbitrary placement changes.

Furthermore, this measure requires States to make mediation available to school authorities and parents who disagree over a disabled student's educational plan, instead of forcing the parties to move their dispute into the court. It is our hope that an increase in the use of mediation will reduce the acrimony involved in these disputes and will save money that has in the past been spent on attorney fees. Furthermore, it is my hope that the new formula changes phased in over 10 years will reduce overidentification and promote the effective use of government resources.

Accordingly, Mr. Speaker, I urge my colleagues to support this worthy measure to reform our Nation's special education programs.

Mr. GOODLATTE. Mr. Speaker, I want to first congratulate the chairman on his dedication to this important issue and his hard work toward crafting a bill that will help schools improve the quality of education for students with disabilities.

This bill includes a number of provisions that I strongly support. It streamlines and consolidates the requirements that States must meet for individualized education plans, allows parents to participate in all IEP decisions, guarantees that parents have access to all records relating to their children, and includes a number of provisions to limit attorney's fees and reduce litigation.

While I support most of the provisions in this bill, I am deeply concerned that in an effort to reach a compromise with the administration, this bill includes language that tramples the rights of States and localities to ensure safety and discipline in their classrooms.

The bill includes a provision that effectively overturns a recent Federal Appeals Court decision allowing States to suspend or expel disabled students for criminal or other serious misconduct when the action is unrelated to their disability. The administration's policy, which not only exceeds the mandate of IDEA, sets a glaring double standard by establishing two discipline codes—one for disabled students and another for nondisabled students. Including this provision in the bill ties the hands of States and localities when it comes to effectively disciplining students.

While I believe that the overall bill is good for disabled students, good for parents and teachers, and good for the American taxpayers, it would have been a great deal better had this provision not been included. With that, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 5, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5.

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

There was no objection.

CONCURRING IN SENATE AMENDMENT TO H.R. 914, TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT, WITH AMENDMENTS

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 145) providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments.

The Clerk read as follows:

H. RES. 145

Resolved, That upon the adoption of this resolution the bill (H.R. 914), to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, shall be considered to have been taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to with amendments as follows:

Insert before section 1 the following:

TITLE I—TECHNICAL AMENDMENTS

Redesignate sections 1 through 5 as sections 101 through 105, and at the end of the bill add the following:

SEC. 106. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

''(i) PRIORITY PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

''(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

''(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

''(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

''(A) received a payment under this section for fiscal year 1996;

''(B) serves a school district that contains all or a portion of a United States military academy;

''(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

''(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.''.

TITLE II—COST OF HIGHER EDUCATION REVIEW

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Cost of Higher Education Review Act of 1997''.

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 202. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the ''National Commission on the Cost of Higher Education'' (hereafter in this Act referred to as the ''Commission'').

SEC. 203. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) Two individuals shall be appointed by the Speaker of the House.

(2) One individual shall be appointed by the Minority Leader of the House.

(3) Two individuals shall be appointed by the Majority Leader of the Senate.

(4) One individual shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) The Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives.

(2) The Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives.

(3) The Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate.

(4) The Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 204. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 205. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this Act. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this Act.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 206. EXPENSES OF COMMISSION.

There are authorized to be appropriated to pay any expenses of the Commission such

sums as may be necessary not to exceed $650,000. Any sums appropriated for such purposes are authorized to remain available until expended, or until one year after the termination of the Commission pursuant to section 207, whichever occurs first.

SEC. 207. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 204(b).

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON].

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

Mr. Speaker, I rise today in support of H.R. 914. H.R. 914 was originally passed by the House of Representatives on March 11, 1997, under suspension of the rules. It made two simple amendments to the student right to know provisions of the Higher Education Act. These amendments changed the date for which schools had to report graduation rates in order to lessen the reporting requirements faced by schools while improving the quality of information that students would receive.

On April 16, 1997, the Senate passed H.R. 914 after adding impact aid technical amendments to the legislation. Those amendments would: extend the deadline for filing for equalized States which deduct impact aid revenue in their computation of general State aid for education; extend the hold harmless for section 8002 payments for property to cover fiscal years 1997 through the year 2000; and add expenditure data as a factor to be considered when determining a school district's financial profile under the section of the law, 8003(f), dealing with heavily impacted school districts.

Today, we are again considering H.R. 914 under suspension of the rules. The legislation before us today includes the impact aid technical amendments passed by the other body and one additional impact aid technical amendment added by the House to clarify that appropriations over and above the amount appropriated for section 8002 for fiscal year 1997 are to be distributed to all eligible school districts. However, it also includes one more very important piece of legislation. H.R. 914, as it is before us today, includes the Cost of Higher Education Review Act of 1997. I would like to focus my remarks on these very important provisions.

In today's technology and information-based economy, getting a high quality postsecondary education is more important than ever. For many Americans it is the key to the American dream.

Let me tell my colleagues how I see higher education in the future. I would hope that men and women, young and old, will have access to postsecondary education when they need it. Some would go to college for undergraduate or graduate degrees. Others would choose to go to school or go back to school for much shorter periods of time in order to improve or upgrade their schools for a better job and a better future. Many could just take a class or two from home over the Internet. But I want to see every American who so chooses have the option of receiving a quality education at an affordable price.

As my colleagues know, the Subcommittee on Postsecondary Education, Training and Life-Long Learning has already begun the process of reauthorizing the Higher Education Act, which will provide $35 billion in student financial aid this year alone. We have been holding hearings around the country on the reauthorization of the Higher Education Act, and a consistent question we get from students and parents is why is college so expensive and why are college prices rising so quickly.

However, my interest in higher education goes well beyond the role I play as chairman of that subcommittee. I am a parent and a grandparent, and I know students who are pursuing or will pursue a postsecondary education. I have constituents, students and parents, who are worried about their abilities to afford a college education.

Historically, the cost of getting a postsecondary education has increased at a rate slightly above the cost of living. However, a recent General Accounting Office report tells us that over the last 15 years the price of attending a 4-year public college has increased over 234 percent while the median household income has risen by only 82 percent and the CPI only 74 percent. A recent survey of college freshmen found that concern over college affordability is at a 30-year high. Parents and students across the country are understandably worried about the rising cost of higher education.

In order to control the cost of obtaining a postsecondary education, parents, students, and policymakers must work together with colleges and universities to slow tuition inflation, or for many Americans college will become unaffordable.

That is not to say that there are not affordable schools. There are some affordable schools and there are college presidents who are committed to keeping costs low. There are schools that are trying very innovative things to reduce tuition prices.

□ 1515

However, the trend in higher education pricing is truly alarming. This trend is especially alarming in that it only seems to apply to higher education. There are many endeavors and many businesses that must keep pace with changing technologies and Federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a reasonable level.

The Cost of Higher Education Review Act contained in H.R. 914 will establish a commission on the cost of higher education. This commission will have a very short life span. Over a 4-month period the commission will study the reasons why tuitions have risen so quickly and dramatically, and report on what schools, the administration and the Congress can do to stabilize or reduce tuitions.

There is a great deal of conflicting information around the country with respect to college costs. This commission will be comprised of seven individuals with expertise in business and business cost reduction programs, economics, and education administration. Their job will be to analyze this information and give us a true picture of why costs continue to outpace inflation and what can be done to stop this trend.

Members of the commission will be appointed by the House and Senate leadership and the Secretary of Education. The commission will have 4 months to perform its duties. The commission will then sunset within 2 months of finishing its job. The cost for this commission will not exceed $650,000.

Mr. Speaker, as I noted earlier, this year we will be reauthorizing the Higher Education Act, which will provide $35 billion this year alone in Federal student financial aid. As we go through this process, our goals will be to make higher education more affordable, simplify the student aid system, and stress academic quality.

In order to update and improve the Higher Education Act in a way that truly helps parents and students, a thorough understanding of tuition trends will be essential. The Cost of Higher Education Review Act will give us that information and shed light on a topic which is of utmost concern to our constituents. I urge my colleagues to join me in this effort, and I urge a ''yes'' vote on H.R. 914.

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

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

Mr. Speaker, at the hearing on the costs of higher education, I expressed deep concern over the rising costs of a college education. At that time I also expressed concern that we avoid Federal intrusion into the day-to-day operations of American higher education. As I see it, our job is to work with our colleges as they, and not we, seek to bring costs under control. I do not believe that the American people want the Federal Government to step into the management of our colleges and universities, and I for one would oppose any such move.

I voted to report this legislation out of committee and shall vote for its passage today. I do so, however, with both concerns and misgivings.

I believe, for example, that the executive branch should have equal representation on the commission. Examining the costs of a college education is not a partisan issue, and I fear that not giving the executive branch equal participation gives the commission a possible partisan tinge it should not have.

I also believe that we are asking the commission to issue a final report in too short a time. The issues to be addressed by the commission are very complex, and I am not at all sure that we can get the substantive answers we are seeking in a 4-month period.

Despite these and other reservations, Mr. Speaker, I am willing to give the gentleman from California [Mr. MCKEON], my very good friend, and chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the benefit of the doubt, and not to oppose adding this legislation to H.R. 914.

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

Mr. McKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full committee.

Mr. GOODLING. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 914, which makes a technical correction to the student right-to-know provisions of the Higher Education Act, includes technical amendments to the impact aid program, and authorizes the timely creation of a commission to review the costs of higher education.

The House passed the technical amendments to the student right-to-know provision of the Higher Education Act in March. The Senate then added several amendments dealing with impact aid funds.

The first provision amends the provisions of the impact aid law dealing with equalized States. Current law requires such States to file notices of intent to deduct impact aid revenue in their computation of general State aid by March 3, 1997. Several States missed the filing deadline, and the Department of Education does not have the authority to waive the statutory filing deadline. This amendment provides such authority, but I would caution States, all 50, not to miss the deadline again. It is entirely too expensive for States to take that risk.

The second amendment extends the hold-harmless provision for section 8002, Federal property payments, to cover fiscal years 1997 through 2000. Due to a formula change in the 1994 Improving America's Schools Act, the Department of Education has not been able to determine exact payments. Extending the hold-harmless at the fiscal year 1997 level through fiscal year 2000 will allow this issue to be reviewed as part of the next review of the Elementary and Secondary Education Act.

The third amendment adds an important factor to a school district's financial profile for purposes of payments to heavily impacted school districts. During the 104th Congress, we modified this section to allow schools to use data from 2 years prior instead of relying on current year data which delayed payments for an extended period of time. However, in revising this section, the use of expenditure data was not included accidentally. This provision simply adds that expenditure data to the financial pool.

These are the impact aid changes contained in the Senate bill. One additional technical amendment has been added, and this amendment clarifies that funds over and above the amount necessary to ensure that the Highland Falls School District receives at least one-half of the amount they would receive under section 8002 if the program was fully funded is to be distributed to all eligible school districts.

In addition to the impact aid amendments, we have added language from H.R. 1511 which the Committee on Education and the Workforce reported last week. The language we have included authorizes the creation of a commission to review college costs. This bipartisan effort reflects a common goal of Members of this body. We want college to be affordable for students and families across the country.

The only answer we keep getting from the college presidents and university presidents is that they have to increase their costs because they keep giving more money of their own to students in need. That is called sticker price and discount price. I do not know what role we play in that on the Federal level. All I know is that when one college eliminated their discounted price and stuck to their sticker price, they lowered tuition for everybody, and in doing that, they had more students than they had room for. I think all colleges can take a hint.

I am happy to see that we are finding that they are getting costs under control. I believe they are down closer to 6 and 7 percent. I think they can still do better.

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

Mr. GOODLING. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Speaker, could the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full committee, clarify the intent of section 106? Am I correct in understanding that this section merely clarifies that the difference in funding for section 8002 between the amount appropriated in fiscal years 1996 and 1997 will first be used to pay 50 percent of the maximum amount for any school district described in paragraph 2 of section 8002(i), and that any remaining funds plus any additional amounts appropriated for fiscal year 1998 and succeeding years will then be distributed to increase payments to other school districts which qualify under 8002?

Mr. GOODLING. The gentlewoman is correct. Section 106 of the bill amends section 8002(i) of the Elementary and Secondary Education Act to clarify that, beginning in the fiscal year 1997, priority payments for amounts appropriated above the appropriated level for section 8002 for 1996 shall be made to a local education agency which meets certain specified criteria, not to exceed 50 percent of their maximum payment. The Secretary shall then use any funds in excess of this amount, plus any additional amounts appropriated for fiscal year 1998 and succeeding years to increase payments to each eligible school educational agency under this section.

Mrs. KELLY. This section will in no way result in any reductions in funding to the local education agency described in paragraph 2 of section 8002(i)?

Mr. GOODLING. The gentlewoman is correct. The only way such payments would be reduced would be if appropriations fell to or below the amount appropriated in 1996.

Mrs. KELLY. With that understanding, I thank the gentleman.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

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

Mr. Speaker, I rise in support of H.R. 914 and in particular the inclusion of H.R. 1511 which establishes a commission to study the costs of higher education.

As pointed out by the chairman, a recently released GAO report found that the price of a 4-year public institution has increased by 234 percent in the past 15 years. I urge Members to support this commission so that as a body we are well informed about the many factors which contribute to the increased price of college.

As a former college administrator, I can tell my colleagues that the issues surrounding the price of tuition are complex and establishing a commission dedicated to studying this issue will be very helpful. More importantly, this commission will report back to Congress and the administration to provide suggestions on how to stabilize tuition rates. Many proposals have come forth from this Congress to help families pay for these increasing costs, but few if any have attempted to deal directly with the institutions themselves. It is at the institutional level rather than in the Tax Code that I believe this problem will be successfully addressed. Extravagant tuition increases become not only an economic problem for individual families but a social problem for entire communities and our Nation as a whole. When tuition increases as drastically as it has, more and more students are left behind, students who otherwise would be attending college. If the current trend continues, only the very wealthy will be able to afford college and lower income families will not have the educational tools with which to compete in the work force of the 21st century, and we will all suffer. The commission will cost relatively little and provide valuable information which will help us address this growing

problem. I urge my colleagues to support the bill.

As a former college administrator, I can help explain these tuition costs as needed and justifiable. As a parent, I feel helpless on the onslaught of tuition increases beyond inflation. But as Members of Congress, we must respond intelligently to this situation which impacts on our growth, and this legislation does exactly that.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Speaker, while this bill makes several technical corrections to already existing law, I want to speak to one provision that creates the National Commission on the Cost of Higher Education. Normally I am not particularly thrilled with the establishment of new commissions since they tend to take a little too long to complete their work and very often their recommendations have little or no impact on our deliberations. However, in this case, the $650,000 expenditure of already appropriated funds for this commission and the fact that it must provide Congress with its recommendations within 4 months means that Congress will have an opportunity to review the recommendations during our consideration of the Higher Education Act. As the gentleman from California [Mr. MCKEON], the chairman, has already mentioned, since 1980 the cost of 4-year public colleges and universities has increased by 234 percent and the tuition at private 4-year institutions is already increasing at a rate of about 8 percent annually. Yet the causes for these increased tuition costs and whether the Federal policies or programs contribute are very complex and they deserve study. I recommend the study and I recommend the adoption of H.R. 914.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], a member of the committee.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend the gentleman and the staff for their fine work in the bringing of this bill to the floor.

I, too, like the speaker who preceded me, am not particularly fond of commissions, but this one is of short duration, 4 months, and will address some very serious issues that we need to be concerned about.

We are spending $35 billion in Federal aid this year for student aid programs, but we also know that for many students who are graduating that the cost of loan repayments is a significant burden that they will face in the near future. This commission has some important questions to answer: What is the role of the Federal Government? Do we have a role? What can we do? Are there regulatory reforms that are called for that will slow down or reduce the cost of rising tuition?

These are the kinds of questions that deserve our answers. These are the kinds of questions that must be answered before we reauthorize the Higher Education Act.

□ 1530

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise today to urge support of H.R. 914 and would like to congratulate the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for bringing this legislation to the floor. Unlike the authorization of the seven-member panel of experts to examine exploding costs of higher education, the work of this panel will provide important information as we strive to make a college education an affordable reality for American students and their families. This legislation also contains language which is necessary for the States of Kansas and New Mexico to count the Federal impact aid they receive as part of their overall State education budget. This will save the State of Kansas $6.5 million this year alone. This technical correction will result in no costs to the Federal Government. It simply allows Kansas to recognize the Federal impact aid it receives as part of the State's overall education budget.

Mr. Speaker, this provision has been approved by the members of the Committee on Education and the Workforce and passed by unanimous consent in the Senate. I appreciate the assistance of the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for including this provision for the State of Kansas, and I urge the passage of H.R. 914.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I commend the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] for their excellent work on this legislation. Today Congress has the opportunity to take an important bipartisan step in addressing an issue which affects so many American families, the rising costs of higher education. There is perhaps no long-term issue more important to our Nation than providing Americans opportunities within our educational system.

Shortly after I arrived in Congress just 2 years ago, I, along with other concerned Members of the House, made a bipartisan request that the GAO investigate the recent history of increases in college and university costs. The results of their report were disturbing: a 234 percent increase in the cost of attending a 4-year public college over the last 15 years, placing a college education and the American dream out of reach for many Americans. The legislation before us today will allow Congress the benefit of expert recommendations by an independent nonpartisan commission on what can be done to address rising college costs.

Mr. Speaker, I urge my fellow House Members to support H.R. 914.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, today I rise to voice my strong support for the Costs of Higher Education Review Act of 1997, a commission which will create a short-term commission to study the reasons for the constant increases in the costs of postsecondary education. As we embark upon a debate over the reauthorization of the Higher Education Act, the hard work and findings of this commission could be invaluable to our efforts, Mr. Speaker. The inescapable reality is we need to find ways to ensure that colleges, universities, and vocational institutions remain affordable for all Americans. Anything less and this Nation's young people will not be prepared to confront and overcome the challenges of the high-technology skills-dependent workplace of the 21st century.

The need for cost containment is real. In fact, over the last several months I have had numerous students and parents, as I would surmise many of my colleagues around the Nation have had, in Memphis voice their concerns over the cost of college, the rising costs of college. Several young people in my district who have decided to pursue a postsecondary education and are doing extremely well in the classroom are nevertheless facing the prospect of having to take a semester off or drop out altogether because they cannot qualify for loans, and/or their Pell or school-based grants are insufficient to cover the costs of tuition, room and board, and books. It is our duty as public policymakers to do all that we can to make sure that young people like those in my district who have worked hard, played by the rules and stayed in school, that they have a meaningful opportunity to pursue a postsecondary education. I am confident that if we work together Congress, the President, higher education administrators, parents, and students can find the will and the way to open and keep open the doors of educational opportunity for all Americans.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from California for yielding the time. I want to make it clear from the beginning that I am a strong supporter of higher education. The productivity and performance of our economy is inextricably entwined with the investments in education that we individually and collectively make as a nation. Clearly, higher education is a valuable commodity, and it behooves us to make it readily available to our young people, our veterans, and to all Americans.

Put simply, I want everyone who possibly can to have the opportunity to pursue higher education, but I fear that college may be eluding many Americans because of the costs of attending. College tuition is one of the most important determinants of student access. Unfortunately, it has been rising at an astronomical rate. Over the last 3 years tuition costs have been rising at roughly 6 percent or twice the rate of inflation, which is a vast improvement over prior years. Years of unchecked growth and not entirely necessary growth have left a legacy of inefficiency in many of our colleges and universities which should be reviewed.

Mr. Speaker, H.R. 914 authorizes a short-term commission to study the rising costs of higher education and to recommend possible solutions. I would hope that this commission focuses on identifying plausible solutions rather than identifying the problem. I think that anyone who has spent time looking at this issue knows what the problem is and could identify causes. That is the easy part. The tough part is asking the tough questions and developing creative and reasonable policies to fix the problem.

Do colleges and universities need to examine and refine their mission? What is a critical mass of academic programs, of professors, of support staff and of students necessary to sustain a college or university as a viable institution? What can colleges and universities learn from the numerous examples of corporate restructuring in the 1980's? Can they grow smaller without compromising the richness and depth of their academic programs? Should they carve out a niche and specialize in a few areas? What exactly are the components of a quality education?

As a former Governor I know well the challenges facing presidents of colleges and universities who seek to restructure the system, make it more efficient and reduce costs while maintaining support from their constituencies professors, administrations, and students. It is no easy task, and I would urge us all to support the commission bill.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

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

Mr. LAFALCE. Mr. Speaker, today higher education is a virtual necessity, but there is a tremendous difficulty in achieving that necessity, and that is the significantly increased cost of higher education. If my colleagues go back over either a 10-year or a 20-year period, they will see that the costs of higher education have increased at both public and private colleges and universities at a rate of approximately two to three times that of the rate of inflation. If my colleagues look at the increase in the cost of higher education and the increase in median income, they will see that higher education costs have again increased at about two to three times the increase in the median income.

So how can individuals afford a higher education? They cannot afford to go to school; they cannot afford not to go to school. They are in a bind. What happens? More and more often, students are borrowing money, they are going into deep debt, and it is not unusual today for a college student to graduate with a minimum of $10,000 in personal indebtedness, but very, very frequently considerably more: $20, $30, $40, $50,000. This imposes a huge burden on their entire future.

Mr. Speaker, at the very least we should examine a number of issues, and I congratulate the gentleman from California on his initiative. This is necessary. All we are doing by this commission is saying let us look at this problem, let us find out why costs have increased two to three times the median income, two to three times the cost of inflation, et cetera. We have got to do something.

Who is we? Everybody. We in the Congress, yes, of course; in the States, yes, of course; administrators at school, yes; boards of trustees, faculties, yes. The easy answer is to just say, well, increase tuition to whatever it might be because the students must go to college and they will borrow more and more and more. They have been doing this. We must bring that to a halt. We must analyze the possibility of tying future financial assistance to some leveling off of these constant increases in the costs of higher education. That is further than the bill goes, but it might well be necessary.

Mr. Speaker, I applaud the gentleman once again for his initiative, and I urge everyone to support it.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, we have no further speakers, but I yield myself such time as I may consume to take just a minute to thank those on the other side who have been so helpful in bringing us to this point. As my colleagues know, we have been working on this committee in a bipartisan nature. The gentleman from Michigan [Mr. KILDEE], the ranking member, has been very supportive, even though he does have some concerns on this. He has worked with us to make this bill better, to bring it to the floor, and supports it at this point. The gentleman from Minnesota [Mr. LUTHER] has been very helpful and very supportive on this bill, and I would like to thank him, the gentleman from Tennessee [Mr. FORD], and others.

Once one starts naming names, it is a danger because they always leave out some people that have been so helpful, but I would like to thank those Members and others who have been helpful, and especially our staff who have worked night and day to get this to this point, because it is urgent that we get this bill passed quickly so that we can get the results back in time to use them for the higher ed reauthorization.

Mr. FAWELL. Mr. Speaker, I rise in support of the Impact Aid Technical Amendments to H.R. 914. I have long been a supporter of the Impact Aid Program, and I believe these amendments add necessary clarifications to ensure the integrity of the section 8002 funding disbursement.

As we all know, States and localities provide approximately 94 percent of education funding in the United States. The largest source of this funding is local property taxes. When a school district loses 10 percent of its taxable property, the local schools are severely impacted.

In 1950, Congress responded to this problem by creating the Impact Aid Program. The 1950 statute requires that the Federal Government reimburse each section 2 school district for each year in ''such amount as * * * is equal to the continuing Federal responsibility for the additional burden with respect to current expenditures placed on such school district by such acquisition of property.'' The meaning of this language is very clear to me—the Department of Education should reimburse each section 2 school district by the amount which the Federal presence negatively impacts the school district.

My district in Illinois is home to a number of school districts eligible for assistance under section 8002. These funds help guarantee that the quality education they provide to their students will not be adversely affected due to the loss of tax revenue on federally-owned property.

Technical corrections authorization legislation enacted by Congress in 1996, had the impact of directing a large portion of the Impact Aid section 8002 funds to one school district. I am pleased at the way the House has chosen to address this inequity. Technical amendments enacted today will ensure that all funds appropriated to the Impact Aid section 8002 program will be allocated on the basis of the formula, ensuring that schools are allowed to compete on a level playing field. I strongly support this provision which will ensure an equitable disbursement of funds to all eligible schools who receive funds under section 8002.

I thank the chairman and ranking member for their work on this bill and urge Members to support H.R. 914.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD) The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and agree to the resolution, H.Res. 145.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 145.

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

There was no objection.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 49) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 49

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 12, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capital and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, House Concurrent Resolution 49 simply authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby races to be held on July 12, 1997. This free event is sponsored by the All American Soap Box Derby and its local affiliate, the Greater Washington Soap Box Derby Association. Its participants are young girls and boys from 9 to 16 who reside in the greater Washington metropolitan area. Winners in the various age groups will advance to the national championship in Akron, OH. Pursuant to this resolution the association will assume full responsibility for any expenses or any liability related to the event. This association also agrees to make any necessary arrangements for the races with the approval of the Architect of the Capitol and the Capitol Police Board.

Mr. Speaker, for over 50 years the soap box derby races have taken place in Washington, DC. It is truly an exciting event for the family, and I support the resolution and urge my colleagues to pass the resolution.

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

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

□ 1545

Mr. Speaker, I join the gentleman from California [Mr. KIM] in supporting H. Con. Res. 49. I would like to just compliment Rick Barnett and Susan Brita, the staff, for all of the work they do on many of these things that are more laborious than seem to be substantive, but they do serve a good purpose.

The 1996 event produced three winners, who then went on to win the National Derby held in Akron, OH. Two of these winners were brother and sister. The Washington event has grown in size and now has become one of the best attended in the country.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure that appropriate rules and regulations are in place. It is a good initiative. I join Mr. KIM in supporting it.

Mr. HOYER. Mr. Speaker, I rise enthusiastically today in support of House Concurrent Resolution 49, a resolution authorizing the use of the grounds of the U.S. Capitol for a truly wonderful and family-oriented event: the Greater Washington Soapbox Derby. For the past 6 years, I have sponsored this legislation, and I would like to offer my very sincere thanks to the chairman and ranking member of the Subcommittee on Public Buildings and Economic Development—Mr. KIM and Mr. TRAFICANT—and to the chairman and ranking member of the full Committee on Transportation and Infrastructure—Mr. SCHUSTER and Mr. OBERSTAR—for their commendable work in bringing this legislation to the floor in so timely a manner.

This resolution authorizes the use of Constitution Ave. between Delaware Ave. and Third St. for the 56th running of the Greater Washington Soap box Derby on July 12, 1997. The competition is part of the All-American Soap box Derby which will be held later this year.

The resolution also authorizes the Architect of the Capitol and the Capitol Police to negotiate a licensing agreement with the Greater Washington Soap Box Derby Association ensuring full compliance with the rules and regulations governing use of the Capitol Grounds.

I am happy once again to have the support of Members from the Washington metropolitan region as cosponsors. Ms. NORTON, Mr. MORAN, Mr. WOLF, Ms. MORELLA, and Mr. WYNN have been enthusiastic supporters in years past and they are again this year.

This event provides young boys and girls, ages 9 to 16, with an invaluable opportunity to develop and practice both good sportsmanship and engineering skill. This year, there will once again be over 50 participants from Washington, DC, and the surrounding communities of northern Virginia and Maryland participating in the derby events. I am especially pleased that boys and girls representing four of the five counties in my district will be competing in this year's derby.

The Soap box Derby promotes a fun, positive and character-building activity for our young people to participate in. At a time when our newspapers are filled with stories about the transgressions and negative conduct of our youth, and at a time when Congress has been forced to confront juvenile crime as an issue of national scope and magnitude, it is certainly a pleasure to be involved in an event which provides a positive outlet for kids and teenagers from the region.

I like to recall a statement made to me by Ken Tomasello, director of the Greater Soap Box Derby Association, when I introduced the first resolution authorizing the use of the Capitol Grounds for this event. Ken said, in short, ''The derby doesn't keep kids off the street; it gives them a drug-free activity on the street.''

The young people involved in this event spend many months preparing for this race—building their derby cars from the ground up. The day they actually compete provides a genuine sense of accomplishment and camaraderie—for the participants, and their families and friends alike. This worthwhile event also provides visitors to the Capitol and local residents with a safe and enjoyable day of activities.

I would like to take this opportunity to offer my sincere congratulations to all of this year's participants for their hard work and dedication and I wish them all well in this year's race.

Again, I want to thank the Transportation Committee for its consistent support of the Greater Washington Soap Box Derby and I encourage all of my colleagues to attend this year's race.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 49.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 49.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 66) authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police, and its auxiliary shall be permitted to sponsor a public event, the sixteenth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the more than 117 law enforcement officers who died in the line of duty during 1996.

SEC. 2. TERMS OF CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, House Concurrent Resolution 66 authorizes the use of the Capitol Grounds for the 16th annual Peace Officers' Memorial Service on May 15, 1997. The service will honor over 117 Federal, State, and local law enforcement officers killed in the line of duty in 1996.

The National Fraternal Order of Police will sponsor the event and agree to make all the necessary arrangements with the Architect of the Capitol and the Capitol Police Board. In addition, the sponsor will assume all expenses and all liability in connection with the event. The event will be free of charge and open to the public.

This is a fitting tribute to the men and women who gave their lives for our lives. I support this measure, and I urge my colleagues to support this resolution.

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

I want to join with the gentleman from California [Mr. KIM] in supporting H. Con. Res. 66. Sadly, this event has become a tradition during which families, friends, and fellow officers gather to honor the lives and sacrifices of peace officers who die in the line of duty. On average, Mr. Speaker, one law enforcement officer is killed somewhere in the United States nearly every other day.

In 1981, when I was sheriff of Mahoning County, OH, one of my deputies, John ''Sonny'' Litch, was killed in the line of duty. Sonny was then transporting a prisoner to the hospital. His name is on the National Law Enforcement Officers Memorial in Washington, DC.

No one gave more for our community than the Litch family, and to find Sonny in a position without compensation, Mr. Speaker, was a marvel in itself.

During 1996, seven law enforcement officers from the State of Ohio were killed in the line of duty. I want to place their names in this RECORD.

James Gross, Ohio State Highway Patrol; Brian Roshong, Canton Police Department; Jason Grossnickle, Dayton Police Department; Douglas Springer, Coldwater Police Department; Derrik Lanier, Cuyahoga Metro Housing Authority Police; Duane Guhl, Fulton County Sheriff's Office; Hilary Cudnik, Cleveland Police Department.

The names of these officers, Mr. Speaker, will all be engraved on the National Law Enforcement Officers Memorial in Washington, DC. It is most fitting and commendable that we honor the service of these great patriots who have given so much for our country and our communities.

Mr. CUNNINGHAM. Mr. Speaker, I am proud to support House Concurrent Resolution 66, authorizing the use of the U.S. Capitol Grounds for the 16th annual National Peace Officers' Memorial Day services on Thursday, May 15.

In memory of the law officers who have given their last full measure of devotion to their communities and their country in service of public safety, and in tribute to their families and their colleagues, the flags atop the U.S. Capitol will be flown at half-staff on National Peace Officers' Memorial Day. I would like to recognize Speaker NEWT GINGRICH for his leadership in helping us make this tribute possible.

I also thank Chairman JAY KIM and Ranking Member JAMES TRAFICANT, of the House Subcommittee on Public Buildings and Infrastructure, for their timely and expeditious work in support of our peace officers' use of the Capitol Grounds.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 66.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 66.

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

There was no objection.

AUTHORIZING 1997 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 67) authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 67

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On June 13, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1997 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, House Concurrent Resolution 67 authorizes the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds. This relay is part of the journey of the Special Olympics torch to the District of

Columbia Special Olympics Summer Games to be held at Gallaudet University on June 13, 1997. The U.S. Capitol Police will host opening ceremonies for the torch run on Capitol Hill, and the event will be free of charge and open to the public.

Each year, over 1,000 law enforcement representatives from 60 local and Federal law enforcement agencies in Washington, D.C participate in this annual event to show their support of the Special Olympics. This is a very worthy endeavor which I am proud to support, and I urge my colleagues to pass this resolution, Mr. Speaker.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the distinguished sponsor of the Soap Box Derby legislation.

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

Mr. HOYER. Mr. Speaker, I thank my friend from Ohio, [Mr. TRAFICANT] for yielding, and I thank the gentleman from California, [Mr. KIM], as well.

Obviously, Mr. Speaker, I am in very strong support of the pending resolution on the Special Olympics. It is an extraordinarily worthwhile endeavor, giving hope and opportunity to so many folks, and it is worthwhile that the Capitol Grounds be allocated for that particular purpose.

In addition, Mr. Speaker, I was a little late getting here and it passed with such efficiency and effectiveness that I failed to timely reach the floor. But I appreciate the gentleman from Ohio yielding and his suggestions as well and rise in strong support of H.Con.Res. 49, which authorizes the use of the grounds of the U.S. Capitol for a truly wonderful and family-oriented event, the Greater Washington Soap Box Derby.

Mr. Speaker, I have sponsored this resolution for the past 6 years, and I want to thank the committee and its staff for assuring the timely passage of this resolution in each one of those years. This Soap Box Derby is an American tradition. The Hill, Capitol Hill, is an excellent hill from which to do that, and it is certainly appropriate that on July 12, just a week after the birthday of our Nation, that this very American of traditions is carried out in the site of the U.S. Capitol.

It is a tradition which teaches to young people self-reliance, the worth of competition, and the worth of adding their hands and their talent to constructing something of worth.

So I again express my strong support not only of the resolution already passed on the Soap Box Derby, but on this one as well.

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

Mr. Speaker, the Soap Box Derby is an institution, as is the gentleman from Maryland [Mr. HOYER], and we appreciate his work with our subcommittee each year, and we thank him for his support and leadership.

I would like to speak out for this resolution. The D.C. Special Olympics has participants from over 100 public schools, group homes, agencies and associations serving citizens with developmental disabilities. The D.C. chapter reaches over 25 percent of all eligible citizens. No other city or State does it any better.

So I want to join with the gentleman from California [Mr. KIM], the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Pennsylvania [Mr. SHUSTER] and with the staff, Mr. Barnett and Ms. Brita, in support of this resolution and urge its passage.

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

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 67.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 67.

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

There was no objection.

CONCERNING THE DEATH OF CHAIM HERZOG

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 73) concerning the death of Chaim Herzog.

The Clerk read as follows:

H. CON. RES. 73

Whereas Chaim Herzog, the sixth President of the State of Israel, passed away on Thursday, April 17, 1997;

Whereas Chaim Herzog, in his very life exemplified the struggles and triumphs of the State of Israel;

Whereas Chaim Herzog had a brilliant military, business, legal, political, and diplomatic career;

Whereas Chaim Herzog represented Israel at the United Nations from 1975–1978 and with great eloquence defended Israel and its values against the forces of darkness and dictatorship;

Whereas Chaim Herzog, as President of Israel from 1983–1993, set a standard for honor and rectitude; and

Whereas Chaim Herzog was a great friend of the United States of America and as President of Israel had the honor of addressing a joint meeting of the United States Congress on November 10, 1987: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress of the United States notes with great sadness the passing of Chaim Herzog, a great leader of Israel and a great friend of America and the Congress sends its deepest condolences to the entire Herzog family and to the Government and people of Israel; and

(2) a copy of this resolution shall be transmitted to the Speaker of the Knesset in Jerusalem, to President Ezer Weizman of Israel, and to Mrs. Aura Herzog of Herzlia, Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

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

Mr. Speaker, the purpose of this resolution is very simple; it is to express the condolences of the House to the family of Chaim Herzog, the late President of the State of Israel, and to the people and Government of that State. Chaim Herzog was, as many know, the son of a rabbi, in fact, the son of the Chief Rabbi of Ireland. He became a soldier in the British Army, landing in Normandy and running British intelligence in northern Germany. Later he was a lawyer and a diplomat serving in the Israeli Embassy in Washington, and as Permanent Representative to the United Nations. In the culmination of his career, he became the President of the State of Israel.

The President of Israel is its Head of State, standing above politics but critical to the public life of the country and a symbol of its unity.

Mr. Speaker, this Member joins with my colleagues in expressing our thanks for the life of Chaim Herzog and our condolences to his family in Israel and his friends and admirers around the world.

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

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

Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. BURTON] for bringing this resolution before the House. I commend both of them for their leadership on this resolution.

As has been explained by the distinguished gentleman from Nebraska, Chaim Herzog was the sixth President of the State of Israel. He had a very brilliant military, business, legal, political and diplomatic career. He was a great leader of Israel, and a great friend of America. Those of us who knew him personally knew him to be a man of extraordinary compassion, exceedingly gracious, and had about him a great lack of pretense, despite his extraordinary achievements.

□ 1600

It is fitting that the Congress commemorate his life and his work, and send its deepest condolences to the entire Herzog family, and to the Government and the people of Israel. I urge the adoption of the resolution.

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

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

Mr. Speaker, I would like to note the assistance of Mr. James Soriano, a Pearson Fellow from the Department of State who has been on our full committee staff for the past year, and helped us with this resolution and many other items during that period.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I want to commend the gentleman from Indiana [Mr. BURTON] for offering this sense-of-Congress resolution commemorating the life of former President of Israel Chaim Herzog. I appreciate the vice chairman of our committee, the gentleman from Nebraska [Mr. BEREUTER], for bringing this measure to the floor at this time. I want to commend the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his support of the resolution.

Mr. Speaker, we were all saddened to learn of the passing last month of former President of Israel Chaim Herzog. Mr. Herzog's life mirrored the birth and early history of the State of Israel, and during his career he served as a distinguished soldier, author, and diplomat.

Mr. Herzog was born in Belfast, Ireland, in 1918, the son of a rabbi. He emigrated to Mandatory Palestine in 1935. He served as an officer in the British Army during World War II, and landed with allied troops in Normandy in 1944. Later on he served with distinction in defending Israeli from Arab attack during Israel's war of independence in 1948.

After the June 1967 war Mr. Herzog was appointed Israel's first military governor of the West Bank. In the 1970's he served at the Israeli Embassy in Washington, and was later named Israel's ambassador to the United Nations. He was the author of several books, including ''Israel's Finest Hour,'' a historical account of the 1967 war. This illustrious career continued with his service as Israel's President in 1983.

Mr. Speaker, Chaim Herzog has been described by his contemporaries as a man of war who loved peace. We extend to his family and to the people of Israel our deepest condolences for the passing of a true gentlemen, a true leader who helped shape the history of Israel and who also pursued peace. We once again thank the gentleman from Indiana [Mr. HAMILTON] for his thoughtfulness in supporting this measure, and I thank the gentleman from Nebraska [Mr. BEREUTER] for his leadership.

Ms. HARMON. Mr. Speaker, the world lost a great statesman and a friend of peace last month when former Israeli President Chaim Herzog passed away.

Today, the House considers a resolution which expresses the condolences of the American people to the Herzog family and the people of Israel on the occasion of President Herzog's death. As a cosponsor of the resolution I strongly urge its passage.

Chaim Herzog led an extraordinary and inspiring life, playing a role in many of the events central to the international Jewish community during the 20th Century. The son of Ireland's Chief Rabbi, later Chief Rabbi of Israel, Herzog first came to the Jewish homeland in 1935 as a yeshiva student. By the age of 16, he had joined the Haganah, the underground precursor to today's Israel Defense Forces. During World War II, as an officer in the British Army, he was part of the first Allied formation to cross into Germany and was present at the liberation of the Bergen-Belsen concentration camp.

Herzog also played a vital role in the political and military development of the State of Israel from the date of its establishment. He helped design the new state's famed intelligence agency and served as a general in its army. In the aftermath of the Six-Day War, Herzog became the military governor of the West Bank and Jerusalem.

But Herzog's greatest contributions on the world stage came during his tenure as Israel's Ambassador to the United Nations, where he forcefully battled unfair resolutions equating Zionism with racism, and as President of Israel, a position he held for 10 years.

Last Summer, it was my privilege to welcome Ambassador Herzog to my congressional district where he spoke at Temple Ner Tamid.

Mr. Speaker, throughout his long and distinguished career, Chaim Herzog held a firm and clear vision of a safe Israel in a peaceful Middle East. We would all do well to follow his example in our pursuit of that same goal. I urge my colleagues to pass this resolution, as a tribute to this great man.

Mr. BURTON of Indiana. Mr. Speaker, I am very proud to have introduced this resolution expressing the sympathy of the Congress and of the American people over the death of Chaim Herzog. I am very pleased that we were able to move this resolution to the floor very quickly and I thank the chairman of the International Relations Committee, my friend Ben Gilman of New York for his support and leadership.

All of us were sadded to learn recently about the death of Chaim Herzog at the age of 78. As staunch friends of the State of Israel and the people of Israel, we share their grief and their sorrow.

Chaim Herzog was truly a hero of Israel and also a great friend of America. Like Yitzhak Rabin, whose death we also mourned all too early, Chaim Herzog lived a life that was a mirror of the drama of his country. Born in Belfast, he was the son of the Chief Rabbi of Ireland. As a boy, he moved to the land of Israel, where his father became Chief Rabbi.

Chaim Herzog fought in the British Armed Forces in World War II and participated in the liberation of the death camps, an experience that influenced the rest of his life. During Israel's war of independence Herzog played a critical role in the battle for Jerusalem. He then became chief of military intelligence.

During the Six Day War—almost 30 years ago—General Herzog's radio broadcasts helped to lift the morale of the people of Israel.

In 1975, he was named Israel's Ambassador to the United Nations where he served with courage and defended his country with great eloquence. It was Herzog who stood up to defend Israel against the odious and false charge that Zionism is a form of racism. This is what Herzog said in his brilliant speech on that occasion: ''The vote of each delegation will record in history its country's stand on antisemitic racism and anti-Judaism. You, yourselves bear the responsibility for your stand before history. For as such, you will be viewed in history * * *. For us, the Jewish people, this is but a passing episode in a rich and event-filled history * * *. This resolution based on hatred, falsehood, and arrogance is devoid of any moral or legal value.''

Mr. Speaker, to this day, the fact that the United Nations General Assembly passed that resolution stands as a severe indictment of the United Nations itself. I am very proud to have been a delegate to the United Nations in 1991 when that immoral resolution was finally repealed and I am proud to have participated in the effort to repeal it.

Let me conclude by noting that Chaim Herzog capped this event-filled and achievement-filled life with his election as President of Israel in 1983. He served for 10 years, set a new standard for dignity, honor, and decency and he also addressed a joint meeting of the U.S. Congress in 1987.

Mr. Speaker, it is fitting and appropriate that this Congress express its sadness over the death of Chaim Herzog and convey its sympathy to the people of Israel and to the Herzog family, Mrs. Aura Herzog and her children Joel, Michael, Isaac, and Ronit and their respective families.

I urge the unanimous adoption of this resolution. Mr. Speaker, I would also like to submit into the record the historic and moving speech given by Chaim Herzog at the United Nations to which I referred. And the obituary written about him in the New York Times.

[From the New York Times, Apr. 18, 1997]

CHAIM HERZOG, 78, FORMER PRESIDENT OF ISRAEL

(By Eric Pace)

Chaim Herzog, Israel's outspoken president from 1983 to 1993, died on Thursday at Tel Hashomer Hospital in Tel Aviv. He was 78, and lived in Herzliya Pituach, a suburb of Tel Aviv.

The cause was heart failure after he contracted pneumonia on a recent visit to the United States, said Rachel Sofer, spokesman for the hospital.

Herzog, a former general, was Israel's chief delegate to the United Nations from 1975 to 1978, a critical period, after serving as its director of military intelligence and, in 1967, as the first military governor of the occupied West Bank. Over the years, he was also a businessman, a lawyer, an author and a Labor Party member of the Israeli Parliament.

In his two successive five-year terms as Israel's sixth chief of state, he strove to enlarge the president's role, which in Israel is

largely ceremonial, by making public declarations on issues that leaders in government would not, or could not, address.

Herzog argued in favor of greater rights for the Druse and Arab populations in Israel, declaring: ''I am the president of Arabs and Druse, as well as Jews.'' He worked actively to make political pariahs of Rabbi Meir Kahane and his fervently anti-Arab Kach Party.

In addition, Herzog was an outspoken though unsuccessful lobbyist for comprehensive change in the Israeli voting system, which has spawned a jigsaw-puzzle of political parties and frequent parliamentary stalemates.

By late 1987, as his first term was drawing to a close and while a national unity government was in power, he had probably become more influential and popular than any previous Israeli president.

This was largely because the Labor and Likud party partners in that government were always bickering and frequently turned to him to arbitrate their disagreements. Moreover, groups of Israelis, like farmers and nurses, were always looking to him for aid that they could not get from the deadlocked Cabinet.

Through the years, Herzog also made use of the Israeli president's power to pardon convicted criminals—and sometimes was criticized for doing so. In addition, he exercised the president's power to determine, after elections, which political party has the first opportunity to assemble a government.

His urbane, outgoing nature and his earlier roles in his country's life fitted him to serve as a symbol of Israeli unity during his years as president.

A descendant of rabbis, and a witness of Nazi concentration-camp horrors while he was an officer in the British army in World War II, he was steeped in the splendors and sorrows of Jewish history. He was also cosmopolitan, with the trace of a brogue from his native Belfast, Northern Ireland, and an education gained largely in Britain.

As the chief delegate to the United Nations, Herzog led Israel's defense against Arab attempts to oust it. In 1975, when the General Assembly passed a resolution equating Zionism with racism, he went to the rostrum and defiantly tore a copy of the resolution in two. Seventeen years later, the Assembly repealed the resolution.

Herzog was in the Israeli Defense Force at his country's birth in 1948, rose to the rank of major general and served twice as director of military intelligence, from 1948 to 1950 and from 1959 to 1962.

Then he retired, only to return as the West Bank's military governor just after the 1967 Arab-Israeli war, in which Israel, in an overwhelming victory, captured the West Bank and other territory from neighboring Arab countries.

He also became noted, among Israelis, for radio commentaries he gave on military subjects before and during that six-day war. He used the radio to urge Israelis to stay in their air-raid shelters during alerts, and in one widely quoted broadcast he told his listeners that they were in much less danger where they were than was the attacking Egyptian air force.

Herzog was first elected president by the Israeli Parliament, in 1983, in a rebuff to Prime Minister Menachem Begin's governing coalition of that day. By a vote of 61 to 57, with two blank ballots, Parliament chose him over the government's candidate, Justice Menachem Elon of the Supreme Court, to succeed President Yitzhak Navon of the Labor Party.

In 1988, Herzog was elected by Parliament to a second term, the maximum permitted by Israeli law. In that balloting, he was unopposed, having the sponsorship of the Labor Party as well as wide backing from the right-wing Likud bloc, Labor's partner in the coalition government of the time.

He was succeeded on May 13, 1993, by Ezer Weizman, a former defense minister and the nephew of Israel's first president, Chaim Weizman. Ezer Weizman had been elected by Parliament on March 24, 1993.

As president, Herzog was sometimes acid in his criticisms of the Israeli national voting system. In an interview in 1992, he said: ''The system we have is a catastrophe. It allows for fragmentation and wheeling and dealing and gives inordinate power to small groupings.''

He was also something of a gadfly on a variety of other issues during his presidency. He was one of the few prominent figures in Israeli politics to comment regularly on Israel's high incidence of fatal vehicular accidents. By late 1992, drivers had killed 20 times more Israelis in the last five years than had the Palestinian uprising, almost 2,300 people.

''If the enemy had slain us to this extent, the country would quake and we would be shaking in our foundations,'' Herzog declared then in a message for the Jewish New Year.

Earlier that year, at a time when Jewish settlers in the Israeli-occupied territories had taken various measures in retaliation for Arab acts of violence, he denounced vigilantism, saying in a radio broadcast: ''The phenomenon of taking the law into one's hands, of attacking innocents and interfering with the dedicated work of the security forces, endangers our foundations and future.''

Later in the year, with Israel not able to integrate all the new arrivals from the former Soviet republics fully into its economic life, Herzog proposed setting up soup kitchens for immigrants, and was criticized for doing so.

He also spurred controversy sometimes by his use of the presidential power to pardon. In the mid-1980s, he was criticized for pardoning agents of the Shin Bet security service and its chief, who was charged with commanding that two Palestinian bus hijackers be summarily executed.

In an interview in early 1993, Herzog noted that he had condemned ''what had happened.'' But he added that Israel was locked in combat with terrorists, and that to take the security-service personnel ''and put them on trial, and have each one bringing all sorts of evidence to prove that he wasn't the worst and so on, could have torn the Shin Bet to pieces just when we didn't need that.''

In addition, loud dissent arose after Herzog commuted the sentences of members of what was called a Jewish underground organization that had tried to kill local Palestinian functionaries.

He later contended that reducing the penalties against some of the convicted members, and making them decry their deeds, had helped to shatter their group.

As president, he traveled widely. He was among the world figures who, along with survivors of the Holocaust, gathered in Washington in April 1993 to dedicate the U.S. Holocaust Memorial Museum. There he described his horror when he came upon Bergen-Belsen and other Nazi death camps as a British officer.

''No one who saw those terrifying scenes,'' he said, ''will ever forget.''

In 1992, to mark the 500th anniversary of the expulsion of the Jews from Spain, Herzog went to Madrid and prayed together with Spain's king, Juan Carlos, in a gesture symbolizing reconciliation between their peoples.

But Herzog did not become reconciled with the nations that had presented the 1975 U.N. resolution. In the 1993 interview, while still president, he said:

''Of the three countries that presented the Zionism as racism resolution, one has relations with us although no embassy—that's Benin. Two still don't have relations—one which has relations with nobody, namely Somalia, and one which is in great trouble, namely Cuba. They were the three sponsors of that resolution, these bastions of democracy and freedom.''

Herzog was born on Sept. 17, 1918, in Belfast, the son of Rabbi Isaac Halevy Herzog, who was the chief rabbi of Ireland and later became the first Ashkenazi chief rabbi of Israel, and the former Sarah Hillman.

The Herzog family emigrated to Palestine in the mid-1930s, and the future president had three years of schooling at the Hebron Yeshiva there. The educational institutions where he later studied included Wesley College in Dublin, the Government of Palestine Law School in Jerusalem, and London and Cambridge universities.

In the British army during World War II, he served with the Guards Armored Division and in intelligence on the Continent. He was discharged and then joined the Jewish underground in Palestine before Israel was founded.

After his retirement from the military in 1962, he was for some years a high executive of a conglomerate of industrial enterprises that Sir Isaac Wolfson, a British businessman, owned in Israel.

Over the years he wrote, was a co-author of, or edited more than half a dozen books, including ''The Arab-Israeli Wars'' (Random House and Vintage, 1982), ''Heroes of Israel'' (Little, Brown, 1989) and ''Living History: A Memoir'' (Pantheon, 1996).

He is survived by his wife of 50 years, the former Aura Ambache; three sons Joel, Michael and Yitzhak, and a daughter, Ronit Bronsky. All his children live in Israel except for Joel, who lives in Geneva. Herzog is also survived by eight grandchildren.

In his memoirs he wrote: ''I pray that my children and grandchildren will see a strong and vigorous Israel at peace with its neighbors and continuing to represent the traditions that have sustained our people throughout the ages.''

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to add my support for this resolution honoring Chaim Herzog, former President of Israel and friend of America.

When Chaim Herzog gave that tremendously moving speech at the United Nations, he was defending not only Israel, but democracy and decency everywhere.

The United Nations which condemned Zionism also gave Fidel Castro a standing ovation. The fight for moral values which Chaim Herzog carried out with such courage, still continues.

In this very Chamber, Chaim Herzog addressed a joint meeting of this Congress on November 10, 1987, the anniversary of his U.N. speech and of Kristallnacht, the Nazi riots that signaled the beginning of the Holocaust in 1938. Chaim Herzog will be missed, but will always be remembered.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 73.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

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

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–82)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report of November 14, 1996, concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA). This report covers events through March 31, 1997. My last report, dated November 14, 1996, covered events through September 16, 1996.

1. The Iranian Assets Control Regulations, 31 CFR Part 535 (IACR), were amended on October 21, 1996 (61 Fed. Reg. 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322, September 13, 1994, 108 Stat. 2147. Finally, the amendment notes the availability of higher criminal fines for violations of IEEPA pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

2. The Iran-United States Claims Tribunal (the ''Tribunal''), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the period covered in my last report, the Tribunal has rendered eight awards. This brings the total number of awards rendered to 579, the majority of which have been in favor of U.S. claimants. As of March 24, 1997, the value of awards to successful U.S. claimants from the Security Account held by the NV Settlement Bank was $2,424,959,689.37.

Since my last report, Iran has failed to replenish the Security Account established by the Algiers Accords to ensure payment of awards to successful U.S. claimants. Thus, since November 5, 1992, the Security Account has continuously remained below the $500 million balance required by the Algiers Accords. As of March 24, 1997, the total amount in the Security Account was $183,818,133.20, and the total amount in the Interest Account was $12,053,880.39. Therefore, the United States continues to pursue Case A/28, filed in September 1993, to require Iran to meet its obligations under the Algiers Accords to replenish the Security Account. Iran filed its Rejoinder on April 8, 1997.

The United States also continues to pursue Case A/29 to require Iran to meet its obligations of timely payment of its equal share of advances for Tribunal expenses when directed to do so by the Tribunal. The United States filed its Reply to the Iranian Statement of Defense on October 11, 1996.

Also since my last report, the United States appointed Richard Mosk as one of the three U.S. arbitrators on the Tribunal. Judge Mosk, who has previously served on the Tribunal and will be joining the Tribunal officially in May of this year, will replace Judge Richard Allison, who has served on the Tribunal since 1988.

3. The Department of State continues to pursue other United States Government claims against Iran and to respond to claims brought against the United States by Iran, in coordination with concerned government agencies.

On December 3, 1996, the Tribunal issued its award in Case B/36, the U.S. claim for amounts due from Iran under two World War II military surplus property sales agreements. While the Tribunal dismissed the U.S. claim as to one of the agreements on jurisdictional grounds, it found Iran liable for breach of the second (and larger) agreement and ordered Iran to pay the United States principal and interest in the amount of $43,843,826.89. Following payment of the award, Iran requested the Tribunal to reconsider both the merits of the case and the calculation of interest; Iran's request was denied by the Tribunal on March 17, 1997.

Under the February 22, 1996, agreement that settled the Iran Air case before the International Court of Justice and Iran's bank-related claims against the United States before the Tribunal (reported in my report of May 17, 1996), the United States agreed to make *ex gratia* payments to the families of Iranian victims of the 1988 Iran Air 655 shootdown and a fund was established to pay Iranian bank debt owed to U.S. nationals. As of March 17, 1997, payments were authorized to be made to surviving family members of 125 Iranian victims of the aerial incident, totaling $29,100,000.00 In addition, payment of 28 claims by U.S. nationals against Iranian banks, totaling $9,002,738.45 was authorized.

On December 12, 1996, the Department of State filed the U.S. Hearing Memorial and Evidence on Liability in Case A/11. In this case, Iran alleges that the United States failed to perform its obligations under Paragraphs 12–14 of the Algiers Accords, relating to the return to Iran of assets of the late Shah and his close relatives. A hearing date has yet to be scheduled.

On October 9, 1996, the Tribunal dismissed Case B/58, Iran's claim for damages arising out of the U.S. operation of Iran's southern railways during the Second World War. The Tribunal held that it lacked jurisdiction over the Claim under Article II, paragraph two, of the claims Settlement Declaration.

4. Since my last report, the Tribunal conducted two hearings and issued awards in six private claims. On February 24–25, 1997, Chamber One held a hearing in a dual national claim, *G.E. Davidson* v. *The Islamic Republic of Iran*, Claim No. 457. The claimant is requesting compensation for real property that he claims was expropriated by the Government of Iran. On October 24, 1996, Chamber Two held a hearing in Case 274, *Monemi* v. *The Islamic Republic of Iran*, also concerning the claim of a dual national.

On December 2, 1996, Chamber Three issued a decision in *Johangir & Jila Mohtadi* v. *The Islamic Republic of Iran* (AWD 573–271–3), awarding the claimants $510,000 plus interest for Iran's interference with the claimants' property rights in real property in Velenjak. The claimants also were awarded $15,000 in costs. On December 10, 1996, Chamber Three issued a decision in *Reza Nemazee* v. *The Islamic Republic of Iran* (AWD 575–4–3), dismissing the expropriation claim for lack of proof. On February 25, 1997, Chamber Three issued a decision in *Dadras Int'l* v. *The Islamic Republic of Iran* (AWD 578–214–3), dismissing the claim against Kan Residential Corp. for failure to prove that it is an ''agency, instrumentality, or entity controlled by the Government of Iran'' and dismissing the claim against Iran for failure to prove expropriation or other measures affecting property rights. Dadras had previously received a substantial recovery pursuant to a partial award. On March 26, 1997, Chamber Two issued a final award in Case 389, *Westinghouse Electric Corp.* v. *The Islamic Republic of Iran Air Force* (AWD 579–389–2), awarding Westinghouse $2,553,930.25 plus interest in damages arising from the Iranian Air Force's breach of contract with Westinghouse.

Finally, there were two settlements of claims of dual nationals, which resulted in awards on agreed terms. They are *Dora Elghanayan, et al.* v. *The Islamic Republic of Iran* (AAT 576–800/801/802/803/804–3), in which Iran agreed to pay the claimants $3,150,000, and *Lilly Mythra Fallah Lawrence* v. *The Islamic Republic of Iran* (ATT 577–390/391–1), in which Iran agreed to pay the claimant $1,000,000.

5. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1997.*

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2.

□ 1607

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. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. LAHOOD Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, May 8, 1997, title VI was open for amendment at any point.

Are there any amendments to title VI?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to protect two amendments in title VI, if we are to close this title, amendment No. 7 by the gentleman from Illinois [Mr. GUTIERREZ], and amendment No. 54 by the gentleman from Michigan [Mr. SMITH]. I ask unanimous consent that if it is the expectation of the Chair that we will close title VI, that there be permission on the part of the Chair to entertain these 2 amendments.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there other amendments to title VI?

The Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 701. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: ‘‘, and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000’’.

SEC. 702. TREATMENT OF OCCUPANCY STANDARDS.

The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

SEC. 703. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law.

(2) WAIVERS.—In carrying out paragraph (1), the Secretary shall consider and make any waivers to existing regulations and other requirements consistent with the plan described in paragraph (1) to enable timely implementation of such plan, except that generally applicable regulations and other requirements governing the award of funding under programs for which assistance is applied for in connection with such plan shall apply.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000, the city described in subsection (a)(1) shall submit a report to the Secretary on progress in implementing the plan described in that subsection.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the consolidated plan of the city;

(B) identification of regulatory and statutory obstacles that—

(i) have caused or are causing unnecessary delays in the successful implementation of the consolidated plan; or

(ii) are contributing to unnecessary costs associated with the revitalization; and

(C) any other information that the Secretary considers to be appropriate.

SEC. 704. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking ‘‘income ceilings higher or lower’’ and inserting ‘‘an income ceiling higher’’;

(B) by striking ‘‘variations are’’ and inserting ‘‘variation is’’; and

(C) by striking ‘‘high or’’.

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking ‘‘income ceilings higher or lower’’ and inserting ‘‘an income ceiling higher’’;

(B) by striking ‘‘variations are’’ and inserting ‘‘variation is’’; and

(C) By striking ‘‘high or’’.

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) By striking ‘‘income ceilings higher or lower’’ and inserting ‘‘an income ceiling higher’’;

(B) By striking ‘‘variations are’’ and inserting ‘‘variation is’’; and

(C) by striking ‘‘high or’’.

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraphs:

‘‘(B) The Secretary may—

‘‘(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

‘‘(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.’’.

SEC. 705. PROHIBITION OF USE OF CDBG GRANTS FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

‘‘(h) PROHIBITION OF USE OF ASSISTANCE FOR EMPLOYMENT RELATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used for any activity (including any infrastructure improvement) that is intended, or is likely, to facilitate the relocation of expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.’’.

SEC. 706. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 707. CONSULTATION WITH AFFECTED AREAS IN SETTLEMENT OF LITIGATION.

In negotiating any settlement of, or consent decree for, any litigation regarding public housing or rental assistance (under title III of this Act or the United States Housing Act of 1937, as in effect before the effective date of the repeal under section 601(b) of this Act) that involves the Secretary and any public housing agency or any unit of general local government, the Secretary shall consult with any units of general local government and public housing agencies having jurisdictions that are adjacent to the jurisdiction of the public housing agency involved.

SEC. 708. USE OF ASSISTED HOUSING BY ALIENS.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b)(2), by striking ‘‘Secretary of Housing and Urban Development’’ and inserting ‘‘applicable Secretary’’;

(2) in subsection (c)(1)(B), by moving clauses (ii) and (iii) 2 ems to the left;

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking ''Secretary of Housing and Urban Development'' and inserting ''applicable Secretary''; and

(ii) by striking ''the Secretary'' and inserting ''the applicable Secretary'';

(B) in paragraph (2), in the matter following subparagraph (B)—

(i) by inserting ''applicable'' before ''Secretary''; and

(ii) by moving such matter (as so amended by clause (i)) 2 ems to the right;

(C) in paragraph (4)(B)(ii), by inserting ''applicable'' before ''Secretary'';

(D) in paragraph (5), by striking ''the Secretary'' and inserting ''the applicable Secretary''; and

(E) in paragraph (6), by inserting ''applicable'' before ''Secretary'';

(4) in subsection (h) (as added by section 576 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public 104–208))—

(A) in paragraph (1)—

(i) by striking ''Except in the case of an election under paragraph (2)(A), no'' and inserting ''No'';

(ii) by striking ''this section'' and inserting ''subsection (d)''; and

(iii) by inserting ''applicable'' before ''Secretary''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) may, notwithstanding paragraph (1) of this subsection, elect not to affirmatively establish and verify eligibility before providing financial assistance''; and

(ii) in subparagraph (B), by striking ''in complying with this section'' and inserting ''in carrying out subsection (d)''; and

(5) by redesignating subsection (h) (as amended by paragraph (4)) as subsection (i).

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgage ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.''.

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

SEC. 710. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there any amendments to title VII?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now near the end, I believe, of consideration of amendments to H.R. 2, and at this point I think it is appropriate that we reflect on the fact that the central tenets of the bill and the themes of the bill are left intact by one of the actions of the House to this point, and that is mainly to create an environment where we can begin to successfully address core issues of poverty.

H.R. 2 says, in a very significant way, that we will not be able to end poverty or legislate the end of poverty from Washington or from any of the State capitols. In fact, if we are to make progress in our war against poverty, if we are to begin to transform communities, if we are to begin to empower communities and individuals and families, that will happen because we create the right set of incentives for responsibility, for work, for family, for economic development, for jobs, for empowerment, for rebuilding communities.

That will happen at the grassroots level, and it will happen because we empower and we create incentives so leaders of the community will arise and begin to form coalitions and groups that begin to transform their own backyard.

In this bill that we have before the House right now, Mr. Chairman, we begin that process by removing the disincentives to work which exist right now, by allowing local housing authorities more responsibility in meeting their local concerns and challenges, by ensuring that we maintain the synergy of having the working class, the working poor, living side by side with those that are unemployed; not because we want to deny benefits to people who are unemployed, but because we understand that it has been a disastrous experience to superconcentrate poverty in certain areas.

When I think back to some of the trips that I have made throughout the country to meet with people of low-income areas, and I think about places like State Street in Chicago, there are 4½ straight miles of nothing but public housing, 20-story buildings one after another, where because of Federal policy we have superconcentrated poverty, creating an environment where virtually everybody is unemployed, and I mean the unemployment rate is approximately 99 percent, Mr. Chairman; creating an environment where halls are sealed off so criminal activity can take place, terrorizing the law-abiding that are trying to live by the rules that happen to be in public housing.

We are saying in H.R. 2 we are going to put an end to that, we are going to stop looking the other way, we are going to stop tolerating that. We are going to look forward to the fact that we expect levels of responsibility, that we are going to expect people who are law-abiding to be protected, that we are not going to be standing with the people who are breaking the law, who are terrorizing those who are trying to live peaceably. We are going to be standing with the families, with the people that have the capacity to take a job, and who want to take a job and want to earn more money for their families. We are going to be standing with them, so we eliminate the rules that punish them and that work against them.

We are going to be standing with the communities that want the empowerment, that want that flexibility in order to remake themselves, to reconnect themselves with their own civic responsibility, and yes, we are for community service. We believe that is an important part of all this, because we think out there, Mr. Chairman, that there are hundreds of thousands of tenants in low-income areas in public housing that, not because of legislation in Washington, not because of legislation in the State capitols, but because it is the right thing to do, will begin the process of transforming their own communities.

We are not asking people to serve Big Brother, we are not asking people to serve some far-off master or some State capitol decision. We are asking people to give of themselves in their own community and in their own building, in their own hallway. These are the things that we are asking in H.R. 2, to enable communities to assume responsibility for their own destiny, to give them the right set of incentives so they can meet those to allow people to be everything they can be; not to punish work, but rather to create the incentives for the people who can work, want to work, have the ability to work, who can do that, so we do not close them out.

□ 1615

I know that the gentleman from Massachusetts [Mr. KENNEDY] has been deeply committed to many of these same goals of creating mixed income and creating environments where we can begin to try and attack the core issues of poverty. I know the gentleman would certainly agree that it is both cost-effective and far more humane to begin to get to the root causes of poverty, to begin to address them. That is what the people in the community

need. That is what the people of low income need and certainly, I think, what taxpayers want. They want to know that they are getting value for the dollar and they want to see that the people who have ability to transition back into the work force or to transition back to market-rate units can do that.

Although we have had some concerns about how we get there, I know when this is said and done, this bill is up for final passage, that we will be able to move forward and achieve those goals.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 287, after line 15, insert the following:

''(6) COMMUNITY WORK REQUIREMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), as a condition of continued assistance under any existing contract for section 8 project-based assistance and of entering into any new or renewal contract for such assistance, each adult owner of the housing subject to (or to be subject to) the contract shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the housing is located, which may include work performed on locations other than the housing.

''(B) EXEMPTIONS.—The requirement under subparagraph (A) shall not apply to any owner who is an individual who is—

''(i) an elderly person;

''(ii) a person with disabilities;

''(iii) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

''(iv) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

''(C) DEFINITION.—For purposes of this paragraph, the term 'owner' includes any individual who is the sole owner of housing subject to a contract referred to in subparagraph (A), any member of the board of directors of any for-profit or nonprofit corporation that is an owner of such housing, and any general partner or limited partner of any partnership that is an owner of such housing.''.

Page 287, line 16, strike ''(6)'' and insert ''(7)''.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, we have debated long and hard on this bill, the idea of a mandatory work requirement that is referred to as mandatory voluntarism. We have spent hours debating the provision in H.R. 2 which would require public housing residents, including mothers of young children, to perform 8 hours of community service each month. Whether this represents mandatory voluntarism, as Democrats have charged, or work for benefit, as Republicans have claimed, the sponsors of H.R. 2 were adamant that public housing residents who are not employed should be required to perform community service or be evicted from public housing.

Well, fair is fair. This amendment would take the very same requirement, the very same idea, the very same sense of giving back something to our country and apply it to owners of section 8 housing.

These owners get a clear financial benefit from the Government, federally subsidized rents on projects owned by such owners. Without such assistance, many such properties would go bankrupt, potentially bankrupting their owners.

Therefore, all this amendment says is that, if public housing residents who get a financial benefit from the Government should perform community service, so should the landlords. Please note that my amendment contains identical language and the provisions as those contained in H.R. 2 in the section dealing with public housing residents. We include exceptions for the elderly. We include exceptions for the disabled. And we include exceptions for anyone working or complying with welfare requirements.

This amendment only applies to idle landlords, those who simply collect rent checks from the Federal Government or spend their days watching Oprah Winfrey or playing golf all day. In other words, basically what we are suggesting here, Mr. Chairman, is what is good for the goose is good for the gander. What we want to do is make certain that this is not a punitive provision that is contained in H.R. 2, which would suggest only people in public housing who get a benefit from the Government who are not working should go ahead and volunteer but, rather, anyone who gets a benefit from public housing programs who does not work ought to also volunteer as well.

I hope that the gentleman from New York would consider accepting this amendment in the spirit of voluntarism which he has so adeptly included in the rest of this bill.

The CHAIRMAN pro tempore. Does the gentleman from New York [Mr. LAZIO] withdraw his point of order?

Mr. LAZIO of New York. Mr. Chairman, I withdraw my point of order.

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

This amendment is offered obviously in response to the various attempts to strike the community service requirement in the bill and in fact, if adopted, would have the counterproductive effect of discouraging additional units of housing for low income people under the section 8 program.

The differentiation is, in this case, the program was created in order to encourage owners to develop properties and to dedicate their units to service for people of low income, low and moderate income.

So in that sense, there is very much a public mission involved in this. We are not extending a benefit to owners of low-income housing, which only moves one way, in the direction of the owner. In fact, in this sense there is a sense of reciprocity, that the benefit, to the extent that there is one, is the incentive to develop properties for low-income individuals and that in exchange for these incentives that the owner would commit by law to ensure that those units in his building or her building were only available to those of low income or moderately low income.

Of course, the adoption of this amendment, as I say, is in response, I believe, to the actions of this House in defense of the community service requirement but would have the perverse effect, in the end, of potentially undermining our ability to expand our affordable housing stock, ensuring that we have fewer owners who are participating in this program. And I would say, Mr. Chairman, in the end as we begin to think about restructuring this entire section 8 portfolio, which is an exceptional challenge, that the timeliness of such an amendment could not be worse in terms of trying to preserve the affordability of certain of these amendments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding to me. I would point out to the gentleman that it seems to me that we were talking about an awfully important lofty principle last week in terms of making certain that people get a benefit from the Government in the form of subsidized housing ought to be required to give something back to the country in terms of volunteering.

We are not suggesting that anybody that is working or anybody that is elderly or anybody that is disabled should be covered by this amendment. We are saying if you are a coupon clipper, if you are just sitting back at home and you have instructed some——

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, let me say to the gentleman, the difference is clearly here that we are, the community is receiving something back from the owners. They are receiving the commitment by the owners that they will develop property and they will make all the units available to people of low and moderate income. So there is a sense of reciprocity.

In fact, when we did do the community service, we did have a hearing in this House over the community service amendments, there was a sense on the

part of this House that we thought that it was entirely appropriate for people who were residents in public housing who were tenants and who received the benefit of public housing and very often had their utilities paid for, that they could, that we would ask the nonelderly, the nondisabled, the people that are not involved in educational or work experiences to give of themselves to help rebuild their own communities; 2 hours a week, 8 hours a month, 15 hours a day, an entirely reasonable request in return for the benefit.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, does the gentleman feel that only the poor should be required to give something back to their country?

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, I would say to the gentleman, wherever there is a one-way street, wherever an individual, no matter what income, is receiving the benefit and giving nothing back to the community, then in those situations we believe community service and community work are appropriate. In those situations, as in the case of owners of section 8 housing, where we have encouraged them, the Federal Government went on and encouraged, enticed them to make the commitment to build affordable units, that is a two-way street.

The real bottom line here is that we have an enormous human potential of hundreds of thousands of Americans who are tenants in public housing that can be marshaled to bring about the level of change where we can begin to attack these core issues of poverty because in the end we have a great deal of talent at our disposal. We are not going to legislate the end of poverty. We are going to have change in our communities because people in these communities can begin to transform their own backyards.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman from New York yielding to me.

I would just like to point out that this is a very clear and, I think, important amendment. It is establishing, I think, a reasonable principle, that just because you have money in America does not mean you should be exempted from these requirements that we seem to be so intent on putting on the poor, that the poor should work, that the poor are really the root cause of the moral decay of America because they are on welfare or because they accept public housing, that that is really the problem, the cancer that is eating at the soul of America.

I would just suggest that, having spent enough time around these so-called hallowed halls of justice in Washington, DC, that we see every bit as much immorality take place on this floor or around this city as we do any place else in America. I do not think that it is right that we say, listen, if you are a passive investor, we are not suggesting if you are actually managing the project, if you are working in the community, if you are actually building the housing, if you are involved in some way, that you should be covered under this requirement. We are just saying, if you are simply a passive investor, if you are not working in any other cause of employment, if you are just sitting back at home clipping coupons and investing and getting almost a guaranteed give-back from the Federal Government for providing project based section 8s, one of the richest programs in this country, one of the programs that the other side of the aisle suggests needs to be reformed, and I could not agree with more, we need to reform it. I have worked with Secretary Cuomo very closely. I have worked with the gentleman from California [Mr. LEWIS] on the Committee on Appropriations in trying to fashion some new ways of dealing with the overrich subsidies that go to some of the landlords that invest in the project based section 8 programs.

All we are suggesting is, hey, look, you want to sit back and get 20, 30, 40 percent on your money at taxpayer subsidy and then not do any work for it and you are not working in any other job throughout the year, maybe, just maybe it ought to be a reasonable premise that we expect you to do some volunteer work. It is only 8 hours a month, as the gentleman points out, only 15 minutes a day. All we want these passive investors, these coupon clippers to do is give us 15 minutes a day of volunteer work.

I would hope that the gentleman from New York would be willing to stand up to some of the wealthy and powerful investors and landlords of this country just as we are willing to stand up to those poor people that live in public housing and ask those wealthy and powerful individuals to give just as much back to America who are getting so much out of America. If you look at the kinds of subsidies that are received in terms of the amount of money that an individual who occupies a single unit of public housing receives versus the kind of money that comes back to passive investors in the project based section 8 program lining their pockets, believe me, a lot more money flows into the back pockets of project based section 8s than it does of public housing.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would just mention that in my background the only kind of coupon clipping that I was ever aware of was when my mom clipped the coupons for the supermarket.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I am glad that the gentleman now knows that there are other kinds of coupons that are clipped in America.

□ 1630

Because, believe me, if we are going to sit in the Congress of the United States, we should know that there are other people that are picking the pockets of those kind of coupon clippers that the gentleman grew up with.

I would suggest to the gentleman that it is important that we be aware of just how much they get out of this country and how many hundreds of billions of dollars comes out of the Congress of the United States that goes into their back pockets. Because that is really what goes on in this Chamber and that is really where the dollars need to be saved if we are to balance the budget.

We have cut the housing budget from $28 billion a year down to $20 billion a year. We have cut the homeless spending by a quarter. And what we do is we are going to say then that we are going to jack up the rents on the people that go into public housing, we are going to increase the incomes on the people that go into public housing, we will not do anything for the very poor that will no longer be eligible for public housing. They will not be taken care of; we will not even provide them with homeless programs. But boy, oh, boy, we should certainly not ask the landlords that are profiting so much on these projects, we should not ask them that are not working, are not disabled, are not elderly to just give 15 minutes a day, 15 minutes a day to volunteer on behalf of helping others.

I do not think it is a lot to ask. I think we are asking the same thing of people involved in public housing themselves, and I would hope, again, that the gentleman from New York would end up accepting this very small requirement.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 335, after line 6, insert the following new section:

SEC. 709. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal

Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a nonprofit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

Mr. NADLER (During the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, I rise today to offer this amendment to H.R. 2. I would like to thank first of all the gentleman from New York [Mr. LAZIO], the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana [Mr. BURTON], and the chairman of the Subcommittee on Government Management, Information and Technology, the gentleman from California [Mr. HORN], and their staffs for their hard work and cooperation on this amendment. I deeply appreciate the bipartisan goodwill that was demonstrated in the process of bringing this amendment to the floor.

In this era of severely limited resources, we must do all we can with what we have to create affordable housing in both the public and private sectors. This amendment will do just that in a little way. This amendment will give the General Services Administration and the Department of Housing and Urban Development the option to transfer a parcel of surplus property in my district in New York to a nonprofit agency to provide low- and moderate-income housing.

The parameters laid out in the amendment are strict. The nonprofit agency must be experienced in the provision of housing for low-income families or individuals. The property must be used for low- and moderate-income housing for at least 30 years. If it is not, its title will revert back to the United States.

The Department of Housing and Urban Development will be allowed to require any additional terms and conditions, such as, for example, evidence of adequate financing, evidence of financial responsibility and so forth, that it deems necessary to protect the interests of the United States and to accomplish the goals of providing low- to moderate-income housing.

While this amendment does not mandate the General Services Administration to transfer this property in so many words, it is our intent to strongly encourage GSA to allow for the conversion of this space to affordable housing.

Let me make it quite clear that such a transfer is the intent of this amendment. This amendment does not mandate the GSA to transfer the property, only to allow for the unlikely possibility that no proposal meets the strict requirements set forth in the amendment, although we believe that there will be such a proposal.

I again thank my colleagues on both sides of the aisle for the degree of collegiality and cooperation they have shown in bringing this amendment to the floor.

Mr. LAZIO of New York. Mr. Chairman, I rise in support of the gentleman's amendment, and I congratulate the gentleman from New York for bringing forth this amendment. We have had a chance to work together and I want to thank him for his cooperation in working with the committee staff.

I believe this is an appropriate and positive reuse for this particular property, and I am supportive of the gentleman's efforts and will be supportive of this amendment when it comes to a vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

I wanted to just get clear on how long a period of time. We have already, as I understand it, about a 60-day set-aside for homeless programs that are able to bid on these properties. I wondered if the gentleman from New York has any idea of what time period that the properties would then be held for.

First, let me say that I think the intent of the gentleman from New York is something I very strongly would favor, I think he is doing the people that are providing low-income housing a real service in terms of providing this amendment on the House floor, and I very much appreciate the gentleman's thoughtful and helpful suggestions.

I want to just try to understand how long the properties themselves, if the gentleman has an understanding of how long those might be tied up for.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, it is one piece of property, first of all. This only applies to one piece of property, by its terms. A particular address is set in the bill. This particular piece of property has already been declared not usable for McKinney Act purposes. So that is not a question.

It is our belief that this will be transferred within a period of months, hopefully, to the agency for low income cooperative housing, and that it will proceed to develop it for such purposes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification. This is just for this single piece of property; it is not a provision across the board?

Mr. NADLER. If the gentleman would continue to yield, yes, that is correct.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman's clarification.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. NADLER]).

The amendment was agreed to.

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

Mr. Chairman, I wish to engage in a colloquy with the gentleman from New York [Mr. LAZIO], the distinguished chairman of the Subcommittee on Housing and Community Opportunity, and the gentleman from California [Mr. CALVERT].

Mr. Chairman, one of the primary purposes of the bill we are discussing today is to provide affordable housing for Americans. Certainly one major source of affordable, quality and unsubsidized housing is manufactured housing. At an average cost of $37,000, manufactured housing provides ownership opportunities to a wide range of Americans, including single parents, first-time home buyers, senior citizens, and young families, and now represents one out of every three new homes sold in the United States of America.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

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

Mr. CALVERT. Mr. Chairman, although the manufactured housing program is largely financed through industry-funded label fees and currently has a surplus of $7.5 million, there are significant staffing shortfalls in the Manufactured Housing and Standards Division in the Department of Housing and

Urban Development. Currently there are only 10 professional and 3 clerical staff administering the entire program, compared with the staffing level of 35 in 1984 when production levels were significantly lower.

Even though these personnel costs are primarily funded by the manufactured housing industry, and there are more than enough funds to pay for some reasonable personnel additions, program staffing levels are subject to overall HUD and OMB salary and expense caps.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I would add that while there is not necessarily a need to return to the 1984 staffing levels, there is concern that the basic functions of the manufactured housing programs, such as issuing interpretations and updating even noncontroversial standards, are falling behind schedule.

In order to provide adequate staffing and administration of this program, I would like to work with the gentleman from New York [Mr. LAZIO], the gentleman from California [Mr. CALVERT], and other Members of this body, including the gentleman from Massachusetts [Mr. KENNEDY], in a bipartisan manner to set separate and distinct salary and expense caps for the manufactured housing program.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I wanted to thank both the gentleman from California and the gentleman from Indiana for their interest and commitment to manufactured housing. It is one of the preeminent affordable housing tools that we have in America, and I want to say that we should be taking every reasonable action to preserve the Federal manufactured housing program.

In order to provide for the adequate staffing of the manufactured housing program, which is largely, as the gentleman said, self-funded through industry label fees and currently has a surplus in excess of $7 million, I recognize that it may be necessary to exempt the manufactured housing program from overall HUD and OMB salary and expense caps and create separate and distinct caps for the program. That would only be fair and reasonable under the circumstances. In fact, I circulated a letter to Secretary Cuomo signed by 72 Democrats and Republicans in the House expressing support for such changes.

I certainly look forward to working with my colleagues to make this important modification, and would tell both the gentleman from California and the gentleman from Indiana that, in addition, we have been working with the gentleman from Indiana [Mr. MCINTOSH], on this, and that I greatly appreciate their interest and commitment to this and look forward to working together in a collaborative way to make sure these changes take place.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the chairman and the gentleman from California and the gentleman from Massachusetts for their help on this very important issue to my district, to Indiana and to America, and look forward to working in a bipartisan way to solve this problem.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to thank my good friend from Indiana for the work he has done. He has brought this to a lot of people's attention in the past and hosted meetings and the like trying to make certain that manufactured housing folks get the necessary personnel they need out of HUD, and we appreciate the gentleman's hard work on this issue.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 53 OFFERED BY MR. TOWNS

Mr. TOWNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. TOWNS:

Page 256, after line 9, insert the following:

''(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.''.

Page 256, line 10, strike ''(10)'' and insert ''(11)''.

Mr. TOWNS. Mr. Chairman, in a study released last week, scientists reported that children who are allergic to cockroaches and heavily exposed to other insects were three times more likely to be hospitalized than other asthmatic youth. Many of these youngsters live in the poorest areas of our Nation, areas with a high concentration of public housing units.

In response to the findings of this study, I rise today to offer an amendment which will help to save the lives of many asthmatic children who live in public housing. We all know that asthma is one of the most common chronic childhood diseases and we know now that there is a strong link between cockroaches and asthma. According to the New England Journal of Medicine, cockroaches cause one quarter of all asthma in inner cities. Asthma is increasing in cities and in suburbs, but it is especially bad in our inner cities.

My amendment would permit the Secretary to provide for assessments to identify any pest control programs and evaluate the performance of public housing agencies as it relates to the eradication or control of the pest problem in public housing.

This year in the Committee on Commerce we have had numerous hearings on ozone and particulate matter and its possible effects on children with asthma. As we try to find reasonable solutions to this environmental issue, let us take this opportunity to solve a problem that we know is a major cause of asthma in inner city children.

I would also like to point out that in 1990, and we are spending a lot more now than then, that we spent $6.2 billion in terms of dealing with asthma. Now that we know that cockroaches have a lot to do with it, we will be able to save some money. So I am hoping that my colleagues will join me in supporting this amendment because this is a money-saving amendment that also makes it possible to improve the quality of life for so many people.

□ 1645

I urge the adoption of this amendment because it saves money and it also protects lives and improves the quality of health.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from New York [Mr. TOWNS] for offering this amendment. It is in response, I believe in part, certainly to the experiences of the gentleman in traveling around various urban areas and also to the recent articles that have been published with respect to the incidence of asthma among young people, among children in particular, who have been in contact with cockroaches. The very fact that certain housing developments have infestations of cockroaches and other pests, and I have been in some of the units where there has been what can only be described as sort of a proliferation of these pests where they are overrunning the unit. It is unbelievable that in America we tolerate this, but it is also a reflection of the fact that there has been some very poor performance on the part of certain housing authorities in ensuring that this is taken care of.

Although I compliment the gentleman, we should not need to have legislation in order to deal with this problem. This should be expected in terms of the performance of the housing authorities to ensure that there are healthy and sanitary conditions in these units. In fact, this is a significant problem. It is a significant problem, especially among inner city populations, but not only among inner city populations.

Therefore, it is entirely appropriate that the gentleman offers this amendment, that this subject be part of the evaluation that takes place when we determine how well a housing authority is doing in discharging its basic duties. I offer my basic support and expect to be voting in favor of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want my colleagues to know that my good friend from New York, in promoting the so-

called RADAC this evening, has once again shown that he is interested in cleaning up the house. The gentleman from New York [Mr. TOWNS] has always been dedicated to serving the needs of some of the very poor people in his district he has very, very well represented and fought for here in the Congress. He is a close friend of mine, someone whose work I deeply admire. I appreciate the fact that he is trying to make sure that people who live in public housing are not forced to live in the conditions that all too often find themselves infested with cockroaches. Once again leading the charge on cleaning up the house is the gentleman from New York [Mr. TOWNS].

The CHAIRMAN pro tempore [Mr. LAHOOD]. The question is on the amendment offered by the gentleman from New York [Mr. TOWNS].

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word to join in a colloquy with the gentleman from New York [Mr. LAZIO], the chairman.

Mr. Chairman, I am very concerned about where we go on section 8 project housing. As we have reviewed this issue in the Committee on the Budget over the last several years, it probably presents one of the toughest issues facing Congress. Left unchecked, section 8 contracts will deplete significantly our HUD funds. I did take to the desk an amendment that would have limited subsidies to section 8 housing contracts that were in excess of 120 percent of the fair market rental rates. The fact is that we need legislation that will end excessive taxpayer subsidies to landlords and bring back into line these excessive subsidies of rents.

We have made many contractors and landlords millionaires while shortchanging low income renters and the American taxpayer. We need legislation that will end excessive taxpayer subsidies to landlords and bring back into line excessive subsidized rents. Out-of-wack rents that Uncle Sam pays must be brought into line with what everyone else pays.

These out-of-wack rents for section 8 assisted housing, often are more than twice as high as fair market rents. In Las Vegas, the average federally assisted apartment is $820, while the private market rate is $380. Section 8 project owners have hit the jackpot here. In Pittsburgh, the comparison is $773 to $397. In Detroit, it's $751 to $479.

Expiring subsidy contracts on FHA insured section 8 project-based properties is one of the toughest issues facing Congress. Let unchecked section 8 contracts will deplete all HUD funds for affordable housing and community development in a few years. Equally important is the portfolio restructuring—thousands of families are at risk of losing affordable housing.

This year a record number of project-based and tenant-based section 8 contracts will expire. And between 1998 and 2002 section 8 budget authority will need to almost double from $9.2 billion to $18.1 billion. By 2002, approximately 2.7 million units or over 5 million low-income individuals will be affected.

PORTFOLIO RESTRUCTURING

The Congress and the administration are working together to reform section 8 FHA insured housing units. Unfortunately, the value of many properties in the insured section 8 portfolio is lower than the actual mortgages on the properties. Four objectives should be paramount—

First, reducing the Federal Government's exposure to default, waste, and other expenses;

Second, restructuring should be fair to the taxpayer;

Third, insuring peace of mind and security for current residents of section 8 housing; and

Fourth, ending rent subsidies that are higher than fair market value.

LEGISLATIVE ACTION NEEDED

I have suggested limiting Federal payments to 120 percent of fair market rents and giving HUD authority to renegotiate section 8 mortgages. We need to provide tax provisions that allow section 8 owners to not be penalized, and insure that owners agree in exchange to preserve affordable units for low-income families.

I would just like to inquire of the chairman of what he sees as the progress of legislation dealing with this issue, since the bill before us today does not deal with that issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, as the gentleman realizes, this problem was created not last year or 2 years ago or 5 years ago, but over 20 years ago when the section 8 program was created. At that time the Federal Government, in its infinite wisdom to encourage people to invest in low-income housing and develop housing that moved away from public housing to a more appropriate blend of private and public partnership, created the section 8 program.

Unfortunately, when they created that program, we ended up on both sides of the deal, so to speak. By that I mean that we guaranteed mortgages through the FHA fund at the Federal Government for 40 years, but we guaranteed cash flow through the section 8 program for 20 years to the owners. So we are on both ends of the deal. To the extent that we rachet down the annual costs to keep up the units precipitously, which I believe we all would like, I certainly would like to see that happen, we risked that certain of these properties would end up in default as owners simply walk away from them, because these loans are guaranteed 100 cents on the dollar by the Federal Government. That simply means that the Federal Government would receive the property back and would be stuck for the entire bill because it would be responsible for repaying the bank for any money that is owed because we have guaranteed that mortgage. It is an enormous problem, I would say to the gentleman, because we have at-risk people there, we have seniors and disabled, we have people who are very vulnerable who are in section 8 project-based assistance where apartments are subsidized. There is an effect on the community in terms of stabilization, and there is a potential effect on assessments in the area as a poorly maintained property could have a very deleterious effect on the surrounding community.

Mr. SMITH of Michigan. If I can reclaim my time for a question, is there a timetable? Does the gentleman plan to bring out a bill dealing with this problem?

Mr. LAZIO of New York. I would say to the gentleman, bills have already been introduced to deal with this problem. There is one bill that has been introduced by myself at the request of the administration which I think has some merit, that we have some disagreements with, but I think is appropriate in the sense that it moves toward the same themes of mixed income that we have been talking about in the context of H.R. 2, the bill before us today.

There is another bill that has been introduced by the gentlewoman from Ohio [Ms. PRYCE] and the gentleman from Virginia [Mr. MORAN] that seeks to deal with this. My staff in working with the Senate has been working on this for months. It is a very difficult problem in the sense that there are tax consequences involved in this, there are potential issues of phantom income, there are potential consequences to the community in terms of assessments and tax bases. There are States involved in this program through risk sharing. Their ability to be properly rated is affected. It is a very, very complex problem that we want to completely understand. We are hampered, I would say to the gentleman, by an unbelievable lack of data on the part of HUD in order to make reasonable assumptions to have good policy.

Mr. SMITH of Michigan. I thank the gentleman.

AMENDMENT NO. 54 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. SMITH of Michigan:

Page 294, strike line 5 and all that follows through page 297, line 4, and insert the following:

SEC. 622. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES IN FEDERALLY ASSISTED RENTAL HOUSING.

''(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing who is an elderly person or a person with disabilities may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental

housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payments of a nominal fee and pet deposit by such residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

''(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any elderly person or person with disabilities in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of such person.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

''(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

''(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

''(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

''(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

''(E) assisted under title V of the Housing Act of 1949; or

''(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

''(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

''(3) ELDERLY PERSON AND PERSON WITH DISABILITIES.—The terms 'elderly person' and 'persons with disabilities' have the meanings given such terms in section 102 of the Housing Opportunity and Responsibility Act of 1997.

''(d) REGULATIONS.—Subsections (a) through (c) of this section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued no later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).''.

AMENDMENT NO. 54, AS MODIFIED, OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that the changes at the desk to that amendment be accepted as the amendment under consideration.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 54, as modified, offered by Mr. SMITH of Michigan:

Page 294, strike line 5 and all that follows through page 297, line 4, and insert the following:

SEC. 622. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

''SEC. 227. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES IN FEDERALLY ASSISTED RENTAL HOUSING.

''(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing who is an elderly person or a person with disabilities may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by such residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

''(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any elderly person or person with disabilities in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

''(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

''(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

''(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

''(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston—Gonzalez National Affordable Housing Act);

''(E) assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(F) assisted under title V of the Housing Act of 1949; or

''(G) insured, assisted, or held by the Secretary of a State or State agency under section 236 of the National Housing Act.

''(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

''(3) ELDERLY PERSON AND PERSON WITH DISABILITIES.—The terms 'elderly person' and 'persons with disabilities' have the meanings given such terms in section 102 of the Housing Opportunity and Responsibility Act of 1997.

''(d) REGULATIONS.—Subsections (a) through (c) of this section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).''.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, this is at the very least a sensitive amendment. I think the question is not whether or not we support pets. The question is: Should we pass a new Federal law that mandates an extension and expansion of existing law that pets be allowed in all subsidized housing?

Currently the law allows pets for individuals that are senior citizens and individuals that are disabled citizens, and the bill before us expands that to every renter in every subsidized housing.

I think the question before us is should the Federal Government pass a law making it less attractive for local landlords to participate in housing programs for low income to the extent that our mandates under Federal law limit the number of people willing to pursue our goal of providing affordable housing for individuals.

Again, I would remind my colleagues that the bill before us expands current law tenfold. My proposed amendment, in effect, continues the existing law that pets be allowed for senior citizens and for the disabled. It actually expands the number of seniors and disabled that would be allowed to have pets. I am suggesting to my colleagues that we should not so drastically expand present law with strong arm mandates of Federal Government. Applying so many regulations and so many rules, discourage many local landlords from participating in a program to provide low-income housing. We acknowledge that it is advisable to allow pet

ownership in housing projects, but that decision deserves local input.

In the private sector, pets are often allowed. It is reasonable to assume that all of those affordable housing facilities that can accommodate pets will accommodate pets because it is reasonable, it is often healthful and it is the desire of those renters to have that kind of freedom.

So Mr. Chairman, I would hope that we consider passing legislation that leaves the law substantially as it is and does not so greatly expand that law with more mandates from Washington.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we went through an extended debate on this issue last year. I appreciate the fact that the gentleman from New York [Mr. LAZIO], the chairman, has seen the light and I think recognizes that the issue of whether or not we ought to be able to have pets in our subsidized housing or public housing is one that really ought to be left up to the individual resident.

I think, after an enormously informative and entertaining debate last year, the Congress overwhelmingly endorsed that policy; and I think the good chairman has seen fit to include the expanded policy in the underlying bill and it is something that I believe most Members of the House strongly endorse.

My understanding is that the amendment actually would, in some difference to the way it was described, would actually expand to public housing as well as section 8. Current law, obviously, is only in the public housing, it does not include the section 8 portion. But I do think that this is an issue that all families and people, whether they are residents of public housing, private housing, or any housing, can recognize some wonderful benefits of having a dog or a cat or a fish, everything but a cockroach, according to the gentleman from New York [Mr. TOWNS].

So I think what we ought to do here is try to make certain that we have an expansive policy on this issue. I do not think that there is any clear reasoning why we should not allow people to have whatever reasonable pets they want.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, it is not a question that does not seem to me as allowing people to have those pets. What it is is a mandate that every landlord has to allow regardless of the facility, regardless of the conditions, that those tenants have a pet if they want a pet. So the latitude of describing that pet is also broad.

I would also like to call to the attention of my colleague, the gentleman from Massachusetts [Mr. KENNEDY], that I did not intend to call for a RECORD rollcall vote on this. I think there is a feeling that if you love a pet, somehow you are going to say there should be a Federal mandate that should require the landlords to allow pets.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification on the issue. I would just suggest that if the landlords wanted the tenants well enough, they ought to be willing to accept the pets as well.

There are provisions that allow for how those pets would be treated and under what terms and conditions are allowed under the legislation that has been proposed. I very much appreciate Chairman LAZIO's efforts on this issue.

I think, in particular, I want to acknowledge the efforts of the gentlewoman from New York [Mrs. MALONEY], who I think the Chairman would acknowledge was really the driving force behind a lot of these policy changes and someone who, although she cannot be on the floor at the moment, I think strongly supports the chairman's position on this issue. I look forward to moving on to other issues as quickly as possible.

□ 1700

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I just wanted to mention obviously this particular issue was debated thoroughly last year, and I know the gentleman from Massachusetts recalls my position on this, but the House has worked its will, and I respect that and have reflected both the act of last year in approving the amendment on the floor and a sort of sense of fairness that, if we are going to allow that in public housing, if we are going to allow pets in public housing, then so should people in section 8 struggle with that same problem.

Mr. KENNEDY of Massachusetts. Or solution.

Mr. LAZIO of New York. Or solution.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. SMITH].

The amendment, as modified, was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: Page 275, after line 17, insert the following:

''(g) OPTION TO EXEMPT APPLICABILITY OF CERTAIN REQUIREMENTS.—If the Secretary takes possession of an agency or any developments or functions of an agency pursuant to subsection (b)(2) or has possession of an agency or the operational responsibilities of an agency pursuant to the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act), the Secretary may provide that, with respect to such agency (or the Secretary acting in the place of such agency), the public housing developments and residents of such agency, and the choice-based housing assistance provided by the agency and the assisted families receiving such assistance, as appropriate, the following provisions shall not apply:

''(1) COMMUNITY WORK.—The provisions of section 105(a) (relating to community work), any provisions included in a community work and family self-sufficient agreement pursuant to section 105(d) regarding such community work requirements, and any provisions included in lease pursuant to section 105(e) regarding such community work requirements.

''(2) TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—The provisions of section 105(b) (relating to agreements establishing target dates for transition out of assisted housing) and any provisions included in a community work and family self-sufficiency agreement pursuant to section 105(d) regarding such target date requirements.

''(3) MINIMUM RENTS.—The provisions of sections 225(c) and 322(b)(1) (regarding minimum rental amounts and minimum family contributions, respectively).''.

Page 275, line 18, strike ''(g)'' and insert ''(h)''.

Mr. DAVIS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, today I rise on behalf of a constituency that during the past few weeks we have heard a great deal about but very little from, and as I sat watching and listening to the debate, as I listened to many of the myths and stereotypes of poor people which have sprung up because their voices often are not heard in the great decision and influence making centers of our society, I wondered why. As I sat and watched and listened, I found myself wondering why the gallery was not filled with poor people and with advocates for the poor, with lobbyists pushing their position. I wondered why there were not thousands of people surrounding the Capitol or holding meetings and rallies in public housing developments throughout the land.

Then it occurred to me that public housing residents are oftentimes easy targets, oftentimes poor, uneducated, unemployed, unskilled, unorganized, unregistered, underfed, undernourished and physically segregated. Therefore, many of the people see no need to challenge the myths, stereotypes, preconceptions, misconceptions and erroneous notions about who they are and how they live in public housing.

As my wife and I were having Mother's Day dinner on Sunday, we met a lady who was helping to serve. She was bubbling over with enthusiasm and told us that her daughter had just graduated from SIU, Southern Illinois University, with a law degree. Then she said that she lived in Cabrini Green Housing Development and that she was proud of all her children. Her son had earned a doctorate degree and was

teaching. Another son was working at the Post Office, and another one at Northwestern Hospital, all raised in Cabrini Green.

So, Mr. Chairman, life for many residents is more than an 8-second sound bite on the evening news. Public housing residents do not all belong to gangs, are not all unemployed, do not all sit around daily living the good life, sleeping late, eating ham hocks, doing drugs and watching Oprah. They are not all lazy, shiftless and immoral. They do have commendable values and a sense of community.

Having created a stereotypical, fantasized world, afflicted with fantasy problems, it becomes easy to design fantasy solutions if we have already determined that public housing residents live in public housing because they do not want to work and have nothing to do all day. Then it makes sense and is easy to prescribe a little therapeutic required volunteerism as a solution.

Why then should we be concerned about the increase in numbers of people who are condemned to a career as a temporary worker without benefits or minimum wage workers, people who work every day and still need public help?

If my colleagues think that public housing residents are addicted to free housing, then it makes perverted sense to require that they simply cut it out, just say no. If my colleagues feel that people who live in public housing are just social misfits, then they believe that they can be improved by getting rid of them, just put them out.

We have a public housing system which for a variety of reasons, none of which are addressed in H.R. 2, we have a public housing system which has often failed to meet the needs of residents or the needs of our Nation. It has become commonplace to proclaim that the problem is with too much government, that government is too big, it helps the poor too much, that public housing residents have their hands out. When we hand out $150 billion in corporate welfare each year, we do not call it welfare or handouts. We call it stimulating the economy.

H.R. 2 demands public service from public housing residents. Fine. But let us also demand some public services from those receiving corporate welfare. H.R. 2 demands personal responsibility contracts from public housing residents. Fine. But let us also demand written contracts detailing how those receiving corporate welfare would get out of the public trough. H.R. 2 demands higher minimum rents from those in public housing. Fine. But let us also develop minimum social paybacks from those receiving corporate welfare.

Mr. Chairman, our society, our economy grows strongly in direct proportion to how well we involve every member in the productive process. Let us be fair. Let us have a uniform set of rules for everyone.

Mr. Chairman, this amendment is designed to give public housing authorities the flexibility to make their own individual decisions about whether or not to implement the most onerous portions of H.R. 2. I think it is a good way to give those individuals who have been most abused an opportunity for redress.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not think of a better example of why we believe in community service and why we believe in the maintenance of H.R. 2 of mixed income and removing the work disincentives that are in current law of creating the incentives for entrepreneurial activity than Chicago itself.

Now, it is true that throughout the entire Nation virtually every community, especially communities that are particularly underserved or that are particularly challenged by poverty, will benefit under the terms of H.R. 2. But in Chicago, they stand probably to gain the most.

I just want to refer, if I can, attention and recommend to the Members a recent report which I would be glad to make available to any Member who is interested, and it is from the Institute of Metropolitan Affairs of Roosevelt University, and it has to do with the ranking of the poorest neighborhoods in America, and it is interesting because 11 of the 15 poorest communities in the Nation are in Chicago. One might think if they posed that question they would find it somewhere in the deep South or some State that has a very low median income or some other place that one does not ordinarily think of when they think of the Gold Coast in Chicago and one of the Nation's largest cities. But in fact there has been exceptional failure in terms of addressing poverty in Chicago, and it has been a combination of things, a combination of looking the other way, of tolerating failure, of not seizing the housing authority when we should have done it over a decade ago, of moving slowly, of looking the other way.

In just one of these examples, Stateway Gardens in Chicago had a 42 percent drop in per capita income in the 10 years between 1979 and 1989, 42 percent drop in income in what was already one of the poorest of the poor neighborhoods. The consequence of that has been that we continue to concentrate poverty, that we create environments where virtually everybody is unemployed, where there are no working role models, where we do not have any services.

I am familiar with many of these neighborhoods in Chicago that are listed in the survey because I have been there, and I will tell my colleagues that the consequences of our policy have been that there are no supermarkets, that there are no banks, that there are no laundromats, there are no services that help keep the working poor, the working class in and around these communities that are under siege.

Mr. Chairman, this House needs to come to grips with the fact that we have failed these residents, that we have created disincentives to work and to family, that we have contributed to the pathologies that have undermined the ability to turn these communities around, and through the programs that we have in H.R. 2, not the least of which is the community service program, where we can begin to mobilize not people from Washington or the State capital or from some other State to go in from the outside and come in and pose what they think is a right solution for their own communities, but we mobilize the people in their own backyards, these same people of low income whose talents are untapped, whose potential is significant to begin to transition and transform their own communities by working with each other, by marshaling their services, by having common goals, setting objectives and making the changes; we believe in this because we know that the end of poverty will not come because of the bill that we have in this House or in the other body, we know that it will not be something that was signed into law, and we know that it will not happen because of some leader, elected leader, in the State capital or even in the city, some mayor. It will happen because of the dynamic, charismatic people in and of the community that begin to transform their own neighborhoods, their own backyards, their own buildings.

Mr. Chairman, this is the change that we are looking for, this is the change in H.R. 2, and it is well time that we stop tolerating the failure that exists in Chicago and all the other Chicagos that we have around the Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DAVIS] will be postponed.

Are there further amendments to title VII?

Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed on May 8 and May 9, 1997, in the following order: Amendment No. 12 offered by the gentleman from Massachusetts [Mr. KENNEDY], amendment No. 13 offered by the gentleman from Massachusetts [Mr. KENNEDY], amendment No. 25 offered by the gentleman from Minnesota

[Mr. VENTO]; also, the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] and the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to know what is happening with the suspension votes. Does that come before or after all these votes?

The CHAIRMAN. The suspension votes will be after these votes.

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. KENNEDY of Massachusetts:

Page 174, line 20, insert ''VERY'' before ''LOW-INCOME''.

Page 175, line 11, insert ''very'' before ''low-income''.

Page 187, line 5, insert ''VERY'' before ''LOW-INCOME''.

Page 187, line 10, insert ''very'' before ''low-income''.

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term ''area median income'' means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert ''very'' before ''low-income''.

Page 205, line 24, insert ''very'' before ''low-''.

Page 211, line 6, insert ''very'' before ''low-income''.

Page 214, line 1, insert ''very'' before ''low-income''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 260, not voting 11, as follows:

[Roll No 119]

AYES—162

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOES—260

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—11

Abercrombie
Blagojevich
Conyers
Hefner
Hinchey
Kingston
Rush
Schiff
Skelton
Taylor (NC)
Young (AK)

□ 1734

Mr. LATHAM and Mr. GREENWOOD changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Chairman, I missed rollcall No. 119, due to airplane mechanical problems. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Chairman, I was unavoidably detained on rollcall 119. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further consideration.

AMENDMENT NO. 13 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 270, not voting 10, as follows:

[Roll No. 120]

AYES—153

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doyle
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOES—270

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—10

Blagojevich
Hefner
Hinchey
Kingston
Rangel
Rush
Schiff
Skelton
Taylor (NC)
Young (AK)

□ 1744

Mr. DICKS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Chairman, I missed rollcall No. 120 due to airplane mechanical problems. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, during consideration of H.R. 2 on the Kennedy amendment, recorded vote number 120 on Amendment #13, I inadvertently cast my vote against this amendment. On this particular vote I meant to cast a ''yes'' vote.

AMENDMENT NO. 25 OFFERED BY MR. VENTO

The CHAIRMAN pro tempore [Mr. LAHOOD]. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. VENTO: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 5, as follows:

[Roll No. 121]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt

Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—228

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—5

Hefner
Rush
Schiff
Skelton
Young (AK)

□ 1754

Mr. GREEN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I request that the Chair could verify that the coming amendment is the one that would impose the same 8-hour per month voluntary work requirement imposed in H.R. 2 on public housing residents to investors in the section 8 project-based housing.

The CHAIRMAN pro tempore. The gentleman from Massachusetts is not stating a parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I was wondering what the next amendment might be.

The CHAIRMAN pro tempore. The next amendment is the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by a voice vote, and the Chair is ready to call for a recorded vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a further parliamentary inquiry. Is that the amendment which imposes a work requirement on investors in section 8 project-based housing?

The CHAIRMAN pro tempore. The gentleman is not stating a further parliamentary inquiry, and the gentleman knows that he was not making a parliamentary inquiry.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 341, not voting 5, as follows:

[Roll No. 122]

AYES—87

Abercrombie
Allen
Becerra
Bishop
Blagojevich
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
Dellums
Duncan
Edwards
Evans
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gonzalez
Green
Gutierrez
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lantos
Lewis (GA)
Markey
Martinez
McGovern
McKinney
Meehan
Meek
Millender-McDonald
Mink
Moakley
Neal
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rodriguez
Roybal-Allard
Sanchez
Sanders
Scott
Serrano
Slaughter
Stark
Stokes
Strickland
Stupak
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Waters
Wynn
Yates

NOES—341

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)

Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NOT VOTING—5

Hefner
Rush
Schiff
Skelton
Young (AK)

□ 1805

Messrs. BERRY, KILDEE, and FARR of California changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

The CHAIRMAN pro tempore [LAHOOD]. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. DAVIS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 282, not voting 6, as follows:

[Roll No. 123]

AYES—145

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Northup
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Snyder
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOES—282

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—6

Gekas
Hefner
Rush
Schiff
Skelton
Young (AK)

□ 1813

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1815

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that this body will be gravely disappointed to know that this bill is nearing conclusion. I understand that all titles have been closed, is that correct, Mr. Chairman, if that is appropriate to direct that question to the Chair?

The CHAIRMAN pro tempore (Mr. LAHOOD). Title VII is open at any point.

Mr. LAZIO of New York. I would ask that after the close of title VII that I be permitted to offer a unanimous-consent request pursuant to the discussions that we have had with the gentleman from Massachusetts concerning time limitations. I will be making a motion to rise at the end of this, and we will probably resume again on Thursday to take up the substitute and to take up final passage. At that time I understand that there has been some agreement on time limitations involving the Kennedy substitute. The suggestion would be that there would be 60 minutes for the substitute, 30 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY], 30 minutes controlled by myself, and I just wanted to inquire if that was the understanding of the gentleman from Massachusetts [Mr. KENNEDY] and if he would be concurring with that time limitation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I had spoken with the chairman's staff and we had indicated that because of the large number of speakers and because this bill has been so much fun for the last 3 weeks that we would not necessarily want to cut the debate short on Thursday morning, but we are looking forward to perhaps finding a way to achieve a limitation on

Thursday. But I would rather wait until then to determine the level of intensity on our side.

Mr. LAZIO of New York. If I could just reclaim my time, is the gentleman saying that an hour would not be an appropriate amount of time to debate the substitute?

Mr. KENNEDY of Massachusetts. I am hopeful we can reach agreement on an hour, but I would like to reserve that right until Thursday and make that determination at that time.

Mr. OXLEY. Mr. Speaker, I rise today in support for H.R. 2, the Housing Opportunity and Responsibility Act. As a cosponsor of this important legislation I believe that it will go a long way toward reforming our current public housing system. I am particularly enthusiastic about Title IV, the Home Rule Flexible Grant Option, portion of the overall legislation. The provisions included in Title IV would provide local government leaders with the flexibility to implement new locally developed proposals for meeting the specific housing needs of their communities.

Whereas under our current system Public Housing Authorities administer all aspects of sometimes highly regulated Federal housing programs, this new grant would give interested localities the flexibility to implement new innovative programs targeted to meet the housing needs of their own citizens.

In the city of Lima, a town in my district, a situation has developed recently that has divided local housing authorities and local government leaders. The situation began when the city's Public Housing Authority went forward with plans to build 28 scattered-site low-income public housing units. With city officials contending that these units are not scattered, and in fact concentrated in one particular area of the city, they filed suit contending that the Public Housing Authority broke Ohio law by not presenting the project to the Lima Planning Commission before going ahead with construction. In an effort to bring both sides together and resolve their differences, at my request, a meeting was set up between HUD officials and officials from the Lima City Council. In fact, a public meeting was also held on this issue, again with HUD officials being present. While HUD officials soon agreed with city officials that indeed they had some legitimate concerns on the 28 scattered-site housing units being congested in one area, ultimately no concrete resolutions came out of these meetings.

Unfortunately, the situation worsened. With no resolution from the meetings, and with the city proceeding with the lawsuit, city officials soon found themselves receiving a letter of warning from HUD. The letter stated that as a result of the city's lawsuit against the Public Housing Authority, the department would therefore be withholding funds for both the city's Community Development Block Grant and HOME Programs.

Clearly this situation should never have developed to the point where HUD bureaucrats would feel the need to threaten to withhold funds for programs that have absolutely nothing to do with the city's initial lawsuit. In fact, had all sides sat down and actually addressed each others concerns in the first place, all of this could have possibly been resolved.

It is this exact situation that Title IV of H.R. 2 aims to address. By encouraging city officials and Public Housing Authorities to work together to meet the housing needs of their community, conflicts such as the one taking place in Lima today can be averted. While both sides in this dispute clearly have the best interests of community in mind, it is the current housing program framework itself that has pitted both sides against one another. It is clear to me that the Home Rule Flexible Grant Option provisions in this bill would help to encourage greater cooperation between Public Housing Authorities and local elected officials.

As one who has witnessed first-hand the negative consequences of having local Public Housing Authorities and local government leaders work at odds with each other, it is clear to me that this new approach is needed. For these reasons I urge all Members to support passage of the Housing Opportunity and Responsibility Act.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. KOLBE] having assumed the chair, Mr. LAHOOD, Chairman pro tempore 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. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 590

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. JOHNSON] be removed as a cosponsor of H.R. 590.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 695.

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

There was no objection.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 5, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 3, not voting 10, as follows:

[Roll No. 124]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica

Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—3

Bateman
LaHood
Paul

NOT VOTING—10

Becerra
Blagojevich
Gutierrez
Hefner
Pastor
Rush
Schiff
Schumer
Skelton
Young (AK)

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 124, I was detained at a meeting with Mr. Bob Nash of the White House personnel office. Had I been present, I would have voted ''yea.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KOLBE). Under the Speaker's announced policy of January 7, 1997, 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 Missouri [Mr. HULSHOF] is recognized for 5 minutes.

[Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN TACTICS HURT WEAKEST OF OUR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, this week the Republican Congress will officially take food out of the mouths of babies when they follow the lead of the House Committee on Appropriations. Last week this Republican-controlled committee cut the women, infants and children nutrition program. If the Congress follows their lead, many poor, helpless, underrepresented and overly persecuted American citizens will be without the necessities of life.

Mr. Speaker, the full House of Representatives will soon vote on this bill which, if passed, will cause a cut in WIC nutrition programs of 180,000 women, infants and children who would have to go without food and medicine. These proposed cuts in this program are not fancy frills, but basic staples of life: food and medicine.

I understand the desire of certain Members of this Congress who believe in cutting programs to balance the budget. However, let me assure my colleagues that this is one of the most noble Federal programs that we have ever funded.

Mr. Speaker, I would understand the opposition if the WIC Program were a typical pork barrel project, but it is not. It is not even the equivalent of the recent legislative luxuries proposed by the Republican's own plan to grant a monstrously large and obscene tax break for the Nation's most wealthy.

The WIC Program allocates nothing but bottom line necessities of life: food, nutritious programs and, yes, medicine, the very essential necessities of life.

What on Earth could be objectionable about these programs? It is not a program for the able, it is not a program that feeds foreign kids. It is a program that feeds hungry children here in America. It is a program that protects pregnant women here in America. It is a program that benefits Americans.

Mr. Speaker, these infants who are on the WIC Program do not need to be hurt or harassed by this Congress. They need help. Not only is the House Committee on Appropriations' decision cruel and unusual, but it is ill-advised.

The Center on Budget and Policy Priority, their executive director, Mr. Robert Greenstein stated:

The Appropriation Committee's decision to allow WIC participation levels to be cut by 180,000 low-income women, children and infants is extremely ill-advised.

□ 1845

To agree with cutbacks to the number of poor women and children who are aided in what is probably known as the singly most successful program which is run in any level of our government is hard to understand.

It may be hard for him to understand, but those of us who have been around in politics for a while understand the realities of the Republican strategy: To take the food out of the mouths of those 180,000 men and women, little kids, to give a tax break, once again, to the wealthy.

My friends on the radical Republican side of this Congress are misjudging, once again, the American people, as they did with the Medicare and Medicaid cuts of last year. I do not believe our citizens will sit by while the service of big business and the wealthy, the Republicans, send 180,000 poor people into the streets begging for food and medical care. It should not happen here in America.

How many more children must suffer before we retain the moral conscience of our Nation? How many more babies must cry through the night before we remember the golden rule? How many more mothers will go full term through a pregnancy without seeing a physician?

The weak, the poor, the least of those in our society are those we should always protect. It is the cornerstone of our Nation to look out for those who are lost and those who are least able to fend for themselves. If we have feelings, if we are compassionate, if we have a heart, we will take care of our young. Please vote to take care of the infants, the pregnant women, and the little kids.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

[Mr. NEUMANN addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

DEMOCRATS LAUNCH HEALTH PLAN FOR CHILDREN, WHILE GOP LEADERS DENY CHILDREN BASIC NUTRITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last month Democrats urged Republican leaders to move forward on legislation to help provide health care coverage for America's uninsured children by Mother's Day. Instead of developing a plan for the more than 10 million uninsured children, Republican leaders have been outspoken in denying milk, formula, and other basic nutrition needs for approximately 180,000 children in the Women, Infants and Children, or WIC Program, that my colleague from Alabama just previously spoke about.

Since the Republicans have failed in developing a plan to assist the Nation's

uninsured children, Democrats have taken the initiative and have put together a children's health care proposal which we unveiled last week.

The proposal is called the Families First Health Care Coverage for Children, and it seeks to help those working families who do not currently qualify for Medicaid, because they are above the Federal poverty level, but are nevertheless without health insurance for a number of reasons.

I would like to discuss, Mr. Speaker, this plan right now. It is basically a three-pronged approach. First, it encourages, but does not mandate, States to expand the Medicaid floor for health insurance for low-income children, while assisting local communities in developing outreach to the 3 million children who are uninsured, but already do qualify for Medicaid assistance. Now, what we found is that a lot of children are out there and qualify under the current Medicaid law, but are not taking advantage of it, so we do need an outreach program.

Most children in families at low income levels currently receive their health care from the Medicaid program, and we are just trying to ensure that these low-income families do not fall through the cracks.

The second prong of the Democrats' families first children's health care proposal creates a matching grant program for the States, and it is called Medikids. It is a grant program that will be targeted to those families, if we use a family of four, who make between $16,000 and $48,000 a year. Medikids will give the States the flexibility and the additional moneys they need to be creative in meeting the needs of a State's uninsured children's population.

Now, when I talk about flexibility, States can form public-private partnerships, use the money to build upon existing State programs and to create new initiatives unique to the State's own needs. Again, Medikids is voluntary to the States, but in order for States to qualify for the Medikids matching grant they must provide Medicaid coverage for pregnant women up to 185 percent of the poverty level and children through age 18 of families up to 180 percent of the poverty level, or $16,000 in a family of four.

So what we are doing here, Mr. Speaker, is expanding Medicaid, the floor of the Medicaid Program, and then providing matching grants so States can go beyond that up to families of four with incomes of $48,000.

Finally, I wanted to say that our third prong, which basically came from the gentlewoman from Oregon [Ms. FURSE], who is part of our health care task force, this would seek private health insurance reforms and make it easier for families of all income levels to provide for their children's health care needs. It is not income-based.

This third prong would require insurers to offer group-rated policies for children only, which means a relatively inexpensive health insurance policy. Additionally, families who qualify for health insurance under current law, the COBRA law, that cannot afford the premium for the entire family, will have the option to purchase a children's only health insurance policy. This last portion, again that was provided and suggested and is in a bill that the gentlewoman from Oregon [Ms. FURSE] has introduced, basically benefits working families of all income levels.

Mr. Speaker, I have to say that this Democratic proposal can all be achieved within the context of the balanced budget agreement that was announced by the President a few weeks ago. Democrats, I believe, Mr. Speaker, are moving forward because Republicans in effect are lacking leadership in this arena of children's health. I once again have to point out that instead of seeking a solution to children's health care, we see the Republican leadership determined to stop full funding of the WIC Program that their own Governors have requested.

Mr. Speaker, I just want to point out, the Democrats from last year, when we put forward our families first agenda, were trying to respond to the real needs of the average American family, and I think that is what this health care initiative does again. It addresses the fact that we have so many children out there who are not covered, who are responding to that need, and we hope we can get bipartisan support for this initiative.

CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues to join with me in recognizing that yesterday, Monday, May 12, was International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day.

We in the Congress must realize the need to heighten public awareness of this most debilitating, yet still largely ignored, disease that caring medical experts believe strikes a conservative number of Americans, 2 to 5 million annually, and an estimated 11,000 individuals in New York, New Jersey, and Connecticut.

First brought to the public's attention back in 1984 during an outbreak at Lake Tahoe, NV, the number of chronic fatigue sufferers has grown dramatically. That is due, in part, because more physicians are being trained to identify the symptoms of chronic fatigue syndrome and, in addition, some physicians have understood that chronic fatigue syndrome and its symptoms are better understood today than they have been in the past.

Unfortunately, a shocking number of physicians still believe that the disease really is not a disease such as this, but it is depression. They often tell their patients to just snap out of it. This has really added a burden on a lot of Americans, particularly those who reside in my part of the world, on Long Island, and we have an unbelievable number of chronic fatigue syndrome sufferers.

Over the last 2 years, I have met with many of these individuals who are really waging a valiant battle, not only to try to educate more and more physicians that this is a very real disease, but also to bring greater public awareness and resources to the research of this malady and to find a cure. It is absolutely heartbreaking to see parents and neighbors, spouses and children, or anyone suffering from the enduring pain and pervasive weakness of chronic fatigue, to see vibrant, energetic people all of a sudden stricken with a mysterious ailment that medical professionals cannot cure and, unfortunately, too many others think it is something else or choose to ignore this chronic fatigue syndrome.

I am particularly shocked that here in the United States, where this disease has been known since 1984, we are spending a paltry $5 million annually to try to figure out where this disease comes from and specifically how can we treat it. I would also reference the fact that while there are very few successful treatments for this terrible disease, those that doctors do employ quite honestly have a marginal effectiveness. For reasons that researchers still do not understand, chronic fatigue syndrome is diagnosed mostly in white women, typically in their 30's, though now there are a growing number of children who have been identified with having chronic fatigue syndrome.

In my home area on eastern Long Island, this cruel disease has stricken, as I said earlier, a disproportionate number of people. There are some 2,000 cases that have been identified, but I would suggest that the number is probably three times that.

Mr. Speaker, I yield at this time, if I could, to the gentleman from New York [Mr. LAZIO], my good friend and colleague from Long Island who has some personal experience with this dreaded disease.

Mr. LAZIO of New York. Mr. Speaker, I want to congratulate the gentleman from New York [Mr. FORBES] on taking this time out to help build an awareness across our country of the struggles that families and individuals suffering with chronic fatigue syndrome are going through.

As the gentleman had remarked, it is particularly hurtful when people who do not understand the syndrome mock their ailment or the illness because of a lack of information about this. Of course this also has a devastating effect on the children of some of the caregivers who have Chronic Fatigue Syndrome. It is a very difficult problem.

I have to agree with the gentleman that we need to marshal our public and private resources to begin the process of overcoming this terrible disease. Of

course I have been touched with this in my own family, as the gentleman had mentioned.

I want to thank the gentleman for his interest and for allowing me a few minutes to align myself and associate myself with the gentleman's interests in battling this terrible disease.

Mr. FORBES. Mr. Speaker, I thank the gentleman. I would like to recognize my other colleagues from Long Island: the gentleman from New York [Mr. ACKERMAN], the gentleman from New York [Mr. KING], and the gentlewoman from New York [Mrs. MCCARTHY], who equally have been working on this issue. We will be taking this floor several days this week to talk in extended terms about the chronic fatigue syndrome. It is a serious illness and one that we as a nation need to deal with in a more aggressive manner.

Mr. ACKERMAN. Mr. Speaker. I rise today to acknowledge Annual International Awareness Day for Chronic Immunological and Neurological Diseases. These illnesses are among the fastest growing health concerns in our country and constitute a large and neglected area in medical research. Chronic fatigue immune dysfunction syndrome [CFIDS] and fibromyalgia syndrome [FMS] are illnesses which affect at least a half million American adults and children. It is imperative that increased funding for research for CFIDS and FMS be approved in a timely fashion.

CFIDS is a serious and complex illness that affects nearly every aspect of an individual's life. It is characterized by incapacitating fatigue, neurological problems and numerous other symptoms. Approximately 1,000 individuals in Suffolk County alone suffer from this disease. One of my constituents, named Anthony Wasneuski, was diagnosed with chronic fatigue syndrome in 1990. Mr. Wasneuski was a furniture salesman in New York City. He was also an accomplished artist who received a scholarship from the Brooklyn Museum. Unfortunately, because of this illness he must now remain at home, and now has difficulty even signing his own name. Mr. Wasneuski's story represents a real life experience behind the cold numbers and statistics of this debilitating disease.

Fibromyalgia syndrome is a chronic, widespread musculoskeletal pain and fatigue disorder for which the cause is unknown. Research studies have indicated that approximately 2 percent of the general population are afflicted with FMS. The majority of FMS patients are female and symptoms may begin in young, school-aged children. Tragically, it takes approximately 3 years and costs thousands of dollars just to receive a diagnosis of the disease.

Chronic fatigue immune dysfunction system and fibromyalgia clearly affect people from all walks of life. As the 1998 appropriations process gets underway, we need to focus upon ways that we can provide more research funding for these debilitating conditions.

Mrs. MCCARTHY of New York. Mr. Speaker, I would also like to take the opportunity to thank my colleague, Mr. FORBES, for organizing this opportunity to speak out on chronic fatigue and immune dysfunction syndrome [CFIDS].

I would like to take this opportunity to talk about a little known but devastating disease: CFIDS. Once dismissed by doctors, this syndrome is now being taken seriously. Studies vary on how many people are affected by this disease but a conservative estimate is about 390,000 adult cases in the United States.

In the tristate area of New York, New Jersey, and Connecticut, approximately 4,094 to 11,000 people have CFIDS.

CFIDS is truly a terrible disease. It ranges in severity from patients who are just able to maintain a job, and may have to give up other aspects of their lives, to those who are bedridden and unable to take care of themselves.

While CFIDS traditionally affects young women in the prime of their lives, a growing number of children appear to have CFIDS. The fact that this disease is striking young children is particularly disturbing. This disabling illness will have a disastrous effect on the economy by preventing young children from becoming income-earning, tax-paying citizens.

While CFIDS is not known to be a killer, it has no proven treatment and no cure. Moreover, it is difficult and, unfortunately, nearly impossible to get a timely and correct diagnosis.

Because patients go to many different doctors to find a diagnosis, they often are subjected to unnecessary, costly, and potentially harmful treatments.

Mr. Speaker, this must change. Doctors, medical professionals, and those who are entering the medical fields must be educated about CFIDS. Delaying diagnosis is not only harmful to the patient, it is not cost effective. Treating individuals early in the disease process offers more promise for return to normal and productive living.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this very important special order.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HONORING AMELIA EARHART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. RYUN] is recognized for 5 minutes.

Mr. RYUN. Mr. Speaker, today I rise to honor a great woman, a great Kansan, and a great American. Amelia Mary Earhart was born on July 24, 1897 in Atchison, KS as the grandchild of original Kansas pioneers.

The pioneering spirit never left Amelia as she achieved a collection of firsts and world records in which we should all take pride. These include the first woman to receive pilot certification, the first woman to fly nonstop across the United States; the first woman to fly solo across the Atlantic Ocean; and the first woman to receive the Distinguished Flying Cross.

Amelia Earhart was an early advocate of commercial aviation and lectured in the 1930's that one day people would fly through the sky every day to get from one place to another.

Earhart's commitment to aviation was equaled by her commitment to advancing equality and opportunity for women. She served as an aeronautical adviser and women's career counselor at Purdue University. She promoted equality for women in public presentations and appearances, but most importantly, Amelia Earhart led by example, by doing things that no one thought possible.

□ 1900

Even in her disappearance, Amelia Earhart was striving to do that which had never been done, to become the first woman to circle the globe. This year marks the centennial celebration of the life and achievements of Amelia Earhart. We recognize this daughter of Atchison, KS, and honor her extraordinary contributions to women, science, aeronautics, and the Nation.

The SPEAKER pro tempore (Mr. Snowbarger). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

THE TRAGEDY OF ALCOHOL-RELATED DEATHS ON OUR NATION'S HIGHWAYS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, the National Highway Traffic Safety Administration estimates that two in every five Americans, 40 percent, will be involved in an alcohol-related crash at some time in their lives. I rise today to reflect on the tragedy that drunk driving has brought to victims and their families around the United

States. I was encouraged to learn that from 1990 to 1994, there was a 20-percent decline in alcohol-related deaths on our Nation's roads. However, in 1995, alcohol-related traffic deaths increased for the first time in a decade. These statistics deeply trouble me, especially since our Nation has made a commitment to educate the public on the dangers of driving while under the influence of alcohol.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I am very pleased to be part of this special order, because 45 percent of the fatalities on our Nation's highways are alcohol-related. It is, as the gentleman mentioned, a tremendous problem. One of the things that I was most shocked about was to find that in emergency rooms across this Nation, emergency room personnel are very often not allowed to give information when a person comes in from a traffic accident with a high blood alcohol level, so a wonderful woman from Oregon came to me, a nurse, and she had changed the law in Oregon which said that emergency room personnel may make this information available.

As the gentleman knows, last year we passed a bill here in this House asking for a study to see about just allowing that emergency room personnel to report high blood alcohol levels. What we found in Oregon was absolutely shocking. Sixty-seven percent of the people who came in through emergency rooms with high blood alcohol level, who had been driving, were never charged with drunk driving because they were unable to give this information out.

So, Mr. Speaker, I really recommend what the gentleman is saying, that we need to educate people that this is a major, major problem in our country. We have young people, I believe it is six young people a day, who die on our highways in alcohol-related accidents. So I am hoping this study will show that where we can have emergency room personnel involved with the law enforcement to let people know, let law enforcement know that there has been alcohol involved in an accident, we may be able to reduce this tremendous carnage on our highways.

I really thank the gentleman for holding this special order, because it is, obviously, a major health problem in our country.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for her involvement in this and in so many other issues. She has just been so stellar on my Subcommittee on Health on all issues, particularly preventive health care. That is basically what we are talking about here, preventive, the education that goes along with us. I thank the gentlewoman for joining us.

Mr. Speaker, in 1995, more than 17,000 people were killed in alcohol-related traffic crashes, including 2,206 youths. Mothers Against Drunk Driving, MADD, and many other important organizations, such as ''Remove Intoxicated Drivers,'' RID, Students Against Driving Drunk, SADD, and Campaign Against Drunk Driving, CADD, have been working to protect people from being injured or killed in drunk driving-related crashes.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in strong support of my colleagues' efforts to bring attention to the tragedy of drunk driving, and to discuss briefly a bill I have introduced with 20 of our colleagues on both sides of the aisle to establish a national commission on alcoholism to deal with this fatal disease in a comprehensive and cost-effective way.

Mr. Speaker, alcoholism killed over 100,000 Americans last year. That is more than all illegal drugs combined. Half of our Nation's convicted murderers committed their crimes under the influence of alcohol. My colleague, the gentleman from Florida, and my colleague, the gentlewoman from Oregon, already discussed the devastation caused by drunk drivers. Alcoholism is truly a painful struggle with a staggering public cost. Untreated alcoholics incur health care costs at least double those of nonalcoholics. In indirect and direct costs together, the public, the American taxpayer, pays at least $86 billion because of alcoholism.

I recently spoke with a former radio talk show host and city council member from Minneapolis. Her name is Barbara Carlson. Barbara told me the absolutely heartrending story of a young neighbor of hers killed by a drunk driver. It had so affected Barbara that she called her old station and asked for special air time, just to talk about this terrible tragedy and the scourge of drunk driving in this country.

Mr. Speaker, Barbara Carlson put it best when she said we will never reduce the 17,000 deaths that occurred last year alone in alcohol-related crashes unless and until we address the root cause of alcoholism. That is why we are introducing this legislation to create a national commission on alcoholism, to develop a practical, achievable public policy to deal with this costly, fatal disease. Mr. Speaker, we need a national strategy. To deal with illegal drugs, we have the Office of Drug Control Policy. We do not have a concerted national effort to deal with our No. 1 killer, alcoholism.

Let me just explain this bill very briefly, Mr. Speaker. This bill, H.R. 1549, would establish the Harold Hughes-Bill Emerson Commission on Alcoholism, named after two exceptional public servants who everyone in this body knows and who passed away last year; Harold Hughes, a very distinguished Democrat Governor and former U.S. Senator from Iowa, and Bill Emerson, a colleague of ours, a Republican member from Missouri. Both men were passionate advocates in the struggle against alcoholism, and both men strongly advocated the creation of this commission, and they handed this off to me to chief sponsor.

This temporary commission to deal with the problem of alcoholism will include 12 appointed members and also the director of the National Institute on Alcohol Abuse and Alcoholism. I foresee prevention and treatment experts on this commission, representatives of Mothers Against Drunk Driving, academic and medical professionals, representatives of the business community, recovering people, and Members of Congress.

The commission will be charged with specific tasks, including ways to streamline existing treatment and prevention programs, and develop a national strategy to counter this deadly and costly epidemic. Within 2 years the commission will be charged with submitting its recommendations to the Congress and the President, and then disband. I strongly urge my colleagues to cosponsor H.R. 1549.

Mr. Speaker, only by addressing the underlying problem of alcoholism will we ever reduce the incidence of drunk driving in America. Again, I thank the gentleman for yielding, and for his efforts in this important effort to deal with drunk driving.

Mr. BILIRAKIS. I thank the gentleman for his great work on this issue, Mr. Speaker.

Mr. Speaker, Mr. Tom Carey, who is a resident of my district in Florida and a co-founder of Remove Intoxicated Drivers, RID, is with us tonight. Tom lost his wife to a drunk driver, and has been an inspiration to those who have lost their loved ones to drunk driving.

Over the past 4 days MADD held its National Youth Summit on Underaged Drinking right here in Washington, DC. The event included high school students from each of the 435 congressional districts across the country. These students joined together to develop creative approaches to fight drunk driving. This afternoon the students who attended the summit met with Members of Congress and their staffs to share their suggestions. I am particularly proud to see students involved in such a noble cause, and I am convinced that their efforts this past weekend will go a long way towards saving lives.

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

Mrs. LOWEY. Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], for coordinating this very important discussion on the problem of drunk driving in America.

As the House sponsor of the 1995 zero tolerance law for underage drunk driving and the current cosponsor of two pieces of legislation that will strengthen our Nation's drunk driving laws, I wholeheartedly agree that Congress must focus more attention on this issue. As we heard tonight, drunk driving fatalities are on the rise for the

first time in a decade. In 1995, the year for which most of the recent statistics are available, more than 17,000 Americans were killed in alcohol-related traffic fatalities.

The sad reality is that our drunk driving laws have failed thousands of families across the Nation. Our criminal justice system has been too lax for too long on drunk drivers. In fact, impaired driving is the most frequently committed violent crime in America. That is an outrage. A license to drive should not be a license to kill.

Back in 1995, Senator BYRD and I launched an effort with Mothers Against Drunk Driving to close a legal loophole in 26 States that allowed underage drivers to drive legally with alcohol in their system, as long as their blood alcohol content did not exceed the State's legal DWI limit. That loophole existed, despite the lethal consequences of teenagers who mixed drinking and driving. In fact, 40 percent of traffic fatalities, as the gentleman knows, involve underage drivers, and they are alcohol-related.

As a result of this law, 39 States have now adopted zero tolerance laws that send a very clear message: If you are under 21, consumption of alcohol combined with driving will be treated under State law as driving while intoxicated, end of story. These laws have saved hundreds of lives across the country, and I am very hopeful that all 50 States will make zero tolerance the law of the land.

Zero tolerance was an important victory in our war on drunk driving, but we must do more, much more. That is why Senator FRANK LAUTENBERG, Senator MIKE DEWINE and I have joined Mothers Against Drunk Driving, highway safety advocates, law enforcement groups, drunk driving victims, in introducing two important pieces of legislation to strengthen our Nation's drunk driving laws.

Using the proven sanctions methods of the 1984 national minimum drinking age law and the 1995 zero tolerance law, these bills will compel States to lower the legal level of driving while intoxicated to a more reasonable level, and strengthen penalties for repeat drunk drivers.

Mr. Speaker, more than 3,700 Americans were killed in 1995 by drivers with blood alcohol concentration below .1. This is the legal definition of driving while intoxicated in 36 States. In recognition of this problem, 14 States, including Florida, California, Virginia, and Illinois, have adopted laws lowering the DWI level to .08. The .08 laws have also been adopted by many industrialized nations. Lowering the DWI level to .08 is supported by the American Automobile Association, the National Sheriffs Association, the International Association of Chiefs of Police, the National Highway Traffic Safety Administration, and our Nation's largest insurance companies. The American Medical Association even recommends .05 DWI.

Why should we lower the DWI standard to .08? First, .08 is a level of intoxication at which critical driving skills are impaired for the vast majority of drivers.

Second, the risk of a crash increases substantially at .08 and above. In fact, a driver with .08 BAC is 16 times more likely to be in a fatal crash than a driver with no alcohol in his system.

Third, Americans overwhelmingly agree that you should not drive after three or four drinks in one hour on an empty stomach, the equivalent of .08 blood alcohol level.

Last, but certainly not least, .08 laws save lives. A study of the first five States to enact .08 found that those States experienced a 16-percent reduction in fatal crashes involving drivers with a BAC of .08 or higher, and an 18-percent decrease in fatal crashes involving drivers with a BAC of .15 or higher.

□ 1715

Overall, the study concluded that up to 600 lives would be saved each year nationwide if every State adopted the .08 standard. Now there are some who are trying to claim that .08 BAC is too low a level of intoxication and that our bill will target social drinkers who drink in moderation. This could not be further from the truth. It takes a lot of alcohol to reach .08 BAC.

According to the National Highway Traffic Safety Association, a 170-pound man with an average metabolism would reach .08 only after consuming four drinks in 1 hour on an empty stomach. A 137-pound woman with an average metabolism would need three drinks in an hour to reach that level.

We should keep in mind that if you have any food in your stomach or you snack while you are drinking, you could drink even more if you choose and not reach .08. That is a lot of liquor. In addition to lowering the legal definition of DWI, we need legislation to establish mandatory minimum penalties to convict drunk drivers and keep them off our roads. We must stop slapping drunk drivers on the wrist and start taking their hands off the wheel.

That is why The Deadly Driver Reduction Act will require States to mandate a 6-month revocation for the first DWI conviction, a 1-year revocation for two alcohol-related convictions, and a permanent license revocation for three alcohol-related offenses.

Studies by the National Highway Traffic Safety Administration show that about one-third of all the drivers arrested or convicted of DWI each year are repeat offenders. Drivers with prior DWI convictions are also more likely to be involved in fatal crashes. This second piece of legislation will close the loopholes in State laws that too often allow convicted drunks drivers to get right back behind the wheel.

Mr. Speaker, last Friday at the National Press Club, Redbook magazine and Mothers Against Drunk Driving honored five mothers who are the foot soldiers in this battle. These courageous women have vowed to make something good come out of a tragic loss of a child to a drunk driver.

One of those mothers, Mary Aller, is a constituent from Mamaroneck, NY, whose 15-year-old daughter, Karen, was killed by a drunk driver in 1991 who spent only a few months in jail. Mary went on to establish the Westchester County chapter of MADD. She is truly an inspiration to us all.

The evidence, Mr. Speaker, is compelling that adopting .08 as the national DWI standard and establishing mandatory minimum penalties will reduce the carnage on our Nation's roads. Our Government has an obligation to act when lives are at stake, and we owe it to all those mothers to adopt these bills.

I thank my colleague for having this session tonight. I appreciate the opportunity to share some words with you.

Mr. Speaker, I want to commend to all my colleagues' attention the article ''Drunk Driving Makes a Comeback'' from the May edition of Redbook magazine, and I submit that article for the RECORD.

[From Redbook, May 1997]

DRUNK DRIVING MAKES A COMEBACK

(By Joey Kennedy)

Anyone who knew Dana Ogletree knew he was a devoted father. Whether the 36-year-old Brooks, Georgia, resident was fishing with his five children, taking them to the Six Flags amusement park, or going to car races with his only son, Dana Jr., he was involved with his family. But today Shandra Ogletree, 37, is raising her children (now ages 10 to 20) alone. On December 20, 1995, as Dana was riding to work with a coworker, the car was struck broadside by a 17-year-old boy who had been drinking and also smoking marijuana. Dana died the following morning, after emergency surgery. Also killed were his coworker, David Harris, and the three young children of David's fiancée, whom he was going to drop off at their father's.

''It has been hard,'' Shandra Ogletree admits. ''We think of all the things Dana won't get to see. The birthdays. The graduations. He won't ever get to walk his daughters down the aisle. And my son won't get to have man-to-man talks with his dad.'' She is also bitter that the driver received a prison term of only ten years—''though he killed five people.'' Meanwhile, Shandra notes, ''I lost my busband of 19 years, my high school sweetheart. And my children lost a wonderful father.''

Dana Ogletree was one of 17,274 people who died in alcohol-related traffic crashes in 1995, the last year for which statistics are available. Each of those deaths represents a catastrophe for another American family.

What's shocking to many is that the figure also represents, for the first time in almost a decade, an increase in the number of drunk-driving fatalities compared to the preceding year. The long national campaign against drunk driving has stalled, it seems. While deaths from drunk driving are up, fund-raising for Mothers Against Drunk Driving (MADD) is down, as is the amount of media coverage given to the drunk-driving issue. Efforts to lower the legal blood alcohol concentration from .10 to .08 percent continue to founder in many states, thanks to vigorous lobbying by the liquor and hospitality (restaurant and bar) industries. Nationwide, the number of arrests for driving

while intoxicated went down from 1.8 million in 1990 to 1.4 million in 1995.

Despite these discouraging facts, the anti-drunk-driving campaign—begun by MADD in 1980 and joined by legislators, the law enforcement community, and other public safety groups—can look back on notable successes. Public awareness of the issue has dramatically improved. ''There was a time when drunk driving was treated pretty much as a joke, like some kid caught with his hand in the cookie jar,'' says Dwight B. Heath, Ph.D., an anthropologist at Brown University who studies behavior related to alcohol. ''Not anymore.'' Efforts by MADD and others have led to raising the minimum drinking age to 21 and to so-called zero-tolerance laws that punish underage drinkers who are caught driving with any alcohol content in their blood. ''You've heard so much about drunk driving that there is a perception that it's a problem either fixed or almost fixed,'' says Katherine Prescott, national president of MADD.

But the problem is not fixed, as so many families can attest. In fact, 41 percent of all traffic fatalities involve alcohol. While the anti-drunk-driving message has clearly gotten through to many Americans (see Redbook's national survey, page 93), thousands of husbands, wives, and children are still being killed by those who party hard and get behind the wheel. ''There's still a segment of our population that thinks it's perfectly appropriate when you drink, to drink all you can,'' says Susan Herbel, Ph.D., vice president of the National Commission Against Drunk Driving. Researchers who conducted a recent large-scale national survey of drinking-and-driving behavior estimated that there were 123 million incidents of drunk driving in the U.S. in 1993.

Is there any way to jolt legislators and the public out of their complacency, make drunk driving a hot issue again—and make the roads safer for our families? Anti-drunk-driving advocates are urging action on a number of fronts.

GET THROUGH TO THE GUYS

If drunk driving is, as MADD says, a ''violent crime,'' then who is committing it? Says Dr. Herbel, ''Drunk driving is very much a male problem.'' Men are four times more likely than women to drive after they've been drinking, one study found. And the segment of the population most likely to drink and drive is made up of white males between the ages of 21 and 34, in blue-collar jobs, with a high school education or less, according to a study by the Harvard School of Public Health.

How to stop them? Strict law enforcement—sobriety check-points, saturation patrols by police departments—does change drinking-and-driving behavior in the short term. But Dr. Herbel points out that these efforts require a huge commitment of resources by state and local police, and their effects taper off unless they are kept up consistently.

''There are those who feel you can rely on enforcing laws to solve the drunk-driving problem, but I don't agree with that,'' she says. ''Until drunk driving gets to be a behavior that is just not socially acceptable, we're not going to stop it.'' Dr. Herbel believes the anti-drunk-driving message should be modeled after the antismoking campaign, with its many community-awareness programs and education efforts that start in grade school.

Employers could play a role as well through education efforts and even spot-checks of the status of employees' drivers' licenses. ''The men who are most likely to drink and drive usually work, and their jobs are important to them,'' Dr. Herbel says. ''Employers should make it clear that drinking and driving is not acceptable.'' Better yet, employers could refer at-risk workers to counseling programs—so long as local communities cooperate by making such programs readily available.

The best way to reach at-risk men may be through their wives or girlfriends. Focus groups have found that men aged 21 to 34 are more likely to be influenced on the drinking-and-driving issue by the women in their lives than by public service announcements, bartenders, or male friends, according to Bob Shearouse, national director of public policy at MADD. Experts are unsure how to translate this finding into a public-awareness campaign, however. The Harvard study on at-risk men found that some of their wives and girlfriends ''described fear of verbal or even physical retribution'' for trying to stop drinking-and-driving behavior. ''For the unlucky woman involved with a man who has a tendency to be violent, especially after drinking, intervening could be dangerous,'' note MADD's Prescott. ''You have to be careful about advising women to do that.''

LET THE MEDIA SEND THE MESSAGE

While a certain segment of males may be the most likely to drink and drive, they obviously aren't the only culprits; the gospel about drunk driving must be preached to everybody. And Jay Winsten, Ph.D., director of the Center for Health Communication at the Harvard School of Public Health, says the message is fading and deaths are up for one reason: ''The mass media is paying far less attention to this problem than it was several years ago.''

Since the issue of drunk driving was widely covered in the eighties and early nineties, it stands to reason that there would be fewer news stories on the issue now. After all, why should journalists report on a story that already feels familiar to much of the public? Because doing so saves lives, Dr. Winsten says. He cites a period of high media attention in 1983 and 1984—a time when MADD was fresh on the national scene—that was accompanied by a drop in alcohol-related deaths. In 1986, Dr. Winsten says, deaths went up and remained fairly level until 1988, when the Harvard School of Public Health recruited the entertainment industry to help promote the notion of the designated driver (an idea imported from Scandinavia). During the next four television seasons, more than 160 episodes of prime-time shows, including Cheers, L.A. Law, and The Cosby Show, featured designated drivers in some way, and networks sponsored public-service announcements. The result? A 26 percent decline in drunk-driving fatalities over that four-year period.

''These days, we're getting designated-driver mentions in about a half dozen episodes per season,'' says Dr. Winsten. ''The public has bought the concept of the designated driver, but they have to make the decision to use it over and over and over again. And they rely in part on cures and reminders from the media.''

MADD's Prescott acknowledges that her organization is no longer a ''hot topic'' with the media. ''It's as though our having becoming credible and being successful hasn't helped us with the media. Now, we're like all the other charities.'' Further crowding MADD's issue are major news stories that thrust other worthy causes, such as car-air-bag safety, into the spotlight. ''That's been a major topic of conversation in Washington. Now, the last thing I want to do is offend anyone who has lost a child,'' emphasizes Prescott, who herself lost a son to drunk driving. ''But we're talking about a dozen deaths in 1995, when we know that more than 17,000 people died in 1995 because of drunk driving.''

As advocates for a variety of causes, from breast cancer research to recycling, have discovered, those who want coverage for their message must find ways to make it feel fresh. Dr. Winsten thinks that, for drunk driving, a debate over ''social host responsibility'' might serve that purpose. ''Should you be liable for a civil lawsuit if your party guest kills someone on the way home, as is already the case in some states?'' he asks. ''People disagree on this issue, but it doesn't matter as long as the issue of drunk driving is being discussed.''

One of the ways MADD will bid for a higher profile this year is to focus on drinking by people under age 21. ''Our current environment makes it acceptable for underage people to drink, to walk into a store and buy liquor even though it's illegal,'' Prescott says. ''We think this youth initiative will get the public's attention. Underage drinking has to be dealt with by communities, schools, churches, and homes.'' MADD will kick off its effort this month by hosting a National Youth Summit on Underage Drinking in Washington, D.C. Student delegates from each of the nation's 435 congressional districts will discuss possible solutions to the underage-drinking problem and deliver recommendations to members of Congress.

And in June, the National Highway Traffic Safety Administration hopes to stir public debate when it launches Partners in Progress, an ambitious program that has brought together numerous groups to develop strategies to curtail drunk driving. Their goal: to reduce yearly alcohol-related fatalities to no more than 11,000 by the year 2005.

TAKE ON THE ALCOHOL LOBBYISTS

Anti-drunk-driving advocates have also been tangling with the liquor and hospitality industries over the issue of lowering the legal blood alcohol concentration limit from .10 to .08 percent, an effort that has thus far been successful in only 14 states (see ''How to Save Hundreds of Lives This year,'' page 92). In practical terms, .08 means that an average 160-pound man can still have four drinks in one hour on an empty stomach before he would reach the legal limit for driving—a level that seems surprisingly lenient to many people. Dr. Herbel says the liquor and hospitality industries are fighting hard against the .08 limit because they see it as a step toward zero tolerance—that is, making illegal any amount of alcohol in the bloodstream of someone who is driving—which could, obviously, have a big impact on their businesses. ''Those industries believe that, as soon as .08 passes in all states, somebody will start a movement for .06 or .04,'' says Dr. Herbel.

While that battle is being waged, anti-drunk-driving advocates are pursuing other legislative remedies: the Crime Victims' Bill of Rights, sponsored by Senator Dianne Feinstein (D–CA), which would ensure that victims of all kinds of crime, including drunk driving, have certain basic rights; and the Deadly Driver Reduction Act, which would entail license revocation for drunk-driving offenders.

The boy who killed Dana Ogletree was an underage drinker. ''Where did he get that beer?'' asks Shandra Ogletree, angry that the details haven't come out. ''Did someone sell it to him? Or did he have an older friend buy it for him?''

Until everyone who might be responsible for a drunk-driving accident—not only the drinker, but store clerks, friends—recognizes his or her role, the problem won't be solved, Shandra argues. And thousands of families will continue to suffer the consequences.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for sharing in

this very important special order and for all of her work and research and the study on this subject. We oftentimes ask ourselves, what is the proper role of Government? Certainly, we on this level have not really done enough on this subject, and we need to continue to look at it and do more.

Mr. Speaker, I recognize the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to commend him for holding this very important special order to call attention to the problems of underage drinking and drunk driving.

Mr. Speaker, few tragedies bring as much pain to families and communities as fatal accidents caused by drunk driving, especially when young people are involved. The community of Santa Barbara, which I am very proud to represent, was struck by this plague over the weekend when 3 college students were killed when their truck veered off Gibraltar Mountain road.

Alcohol was a factor in this accident, and all 3 were under the legal drinking age. My heart truly goes out to the grieving family and to the friends of these young people, many of whom I know personally. Nothing that we can say or do today will bring them back, but we must all try to learn important lessons from this terrible loss of life.

Mr. Speaker, it is sometimes useful for us in Congress to share personal stories from our own lives in order to advance important policy objectives. The issue of drunk driving has had a profoundly personal impact on my own life. On May 23, I will commemorate the 1-year anniversary of a horrible car accident that nearly claimed my life and the life of my beloved wife Lois.

Returning home from a campaign appearance, our car was struck by a drunk driver. I had to be cut from the wreckage with the ''jaws of life.'' I suffered serious injuries that required surgery and months of rehabilitation. This coming week, next week, my family and friends will gather together for a celebration of gratitude for all those who saved us, helped us heal, brought us back to life.

I will always be grateful to the police, to the rescue personnel, to the doctors, the nurses, the physical therapists, family, and others who brought us back to life. Without them, I would never be standing here in this great Chamber this evening.

But tragically, many families are not as fortunate as we were. And that is why it is so important to convene events like MADD National Youth Summit. This week, hundreds of young people, including Amy Yglesias from Santa Maria, CA, which I am also very proud to represent, have come to this Nation's capital for this unprecedented summit meeting. Here, they will discuss and develop solutions to the problems of underage drinking and drunk driving.

Back home in our district, MADD is also sponsoring important events. This past Sunday, for example, my wife and daughter and I ran in a MADD-DASH, a 5-mile benefit run near Highway 154, the very road on which our accident occurred.

Congress can pass important laws on this subject. We can pass laws on the drinking age, on alcohol accessibility, on alcohol advertising. But only when our young people are fully engaged in the battle themselves will we have a chance to succeed.

I commend Mothers Against Drunk Driving and all those who worked to make this week's summit a reality and for putting together innovative events in our districts.

Mr. Speaker, I know my colleagues on the floor this evening all join me in pledging to work toward the day when our communities will no longer suffer the heartbreaking pain brought on by drunk driving accidents that claim the lives of young people and too many of our citizens.

Mr. Speaker, I thank the gentleman for the leadership he is giving to this effort.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for sharing his own personal story with us. I am not sure that there are too many Members of Congress who do not have similar stories to tell either about close friends or family members.

Mr. Speaker, Mothers Against Drunk Driving should also be commended for the Youth in Action Campaign, which is dedicated to educating students about the dangers of drinking and driving. I mentioned a statistic earlier that more than 17,000 individuals died in 1995 from alcohol-related crashes. It is all too easy for us to forget that this number is not just a statistic. These were 17,000 people who also had stories. They had families and friends who cared for them and loved them dearly.

One of those stories happened in Spring Hill, FL. On December 22, 1995, Monica Nicola and her 2 daughters Danielle, 9 years old, and Stephanie, 8 years old, went to the mall to have their pictures taken with Santa Claus. After having their pictures taken, Monica was driving her daughters home when a van in front of her car suddenly swerved. By the time Monica realized that the van was swerving, it was too late to react. A car had crossed the centerline, missed the van and hit Monica's car head on.

When she regained consciousness, Monica realized that she had a broken leg. She could see Danielle, who suffered a broken arm and bruises, but she could not see 8-year-old Stephanie. Stephanie was pinned down, out of sight, and died immediately at the scene.

Stephanie was not the only one who tragically lost her life in a terrible accident. A passenger who was riding with the drunk driver also died. Monica and the man who caused the accident were airlifted to the hospital together. The man's breath smelled so strongly of alcohol that it was overpowering.

It turns out that the driver had a number of accidents since 1982, several DUI's, no license, and no insurance. But none of that stopped him from driving that night. In January of 1997, the driver was sentenced to 40 years, 40 years in prison, but not before the Nicola family had to endure an entire year without justice.

Today the Nicola family, John, Monica, and Danielle, reside in Pinellas County, FL, my county. The Nicolas are not alone in their suffering, but their story is so very important for all of us to hear. It awakens us to the fact that there are real people behind the statistics we hear so often.

Drunk driving knows no social or economic boundaries. Indeed, I am sure that we all know, as I said earlier, of a relative, friend, or celebrity who at one time or another got behind the wheel of a car after one too many drinks.

Many Floridians may recall the story of Olympic diver Bruce Kimball and the night he killed two teenagers in Brandon, FL. Ironically, Bruce Kimball has experienced both sides of a drunk driving collision, first as the victim and then as the offender.

For those of you who are not familiar with this story, let me take a few minutes to review this tragic story. Bruce Kimball won a silver medal in diving at the 1984 Summer Olympics. Just prior to the 1988 Olympics, he had a few drinks and got in his car to drive. The Houston Chronicle wrote an article on Bruce in October of 1994 which recounts his story. To paraphrase the Chronicle, his father Dick was, and still is, the diving coach at Michigan, and so Bruce Kimball gravitated naturally to that sport. Bruce blossomed quickly, eventually winning 14 Junior Olympic national titles, and at 17 stamped himself as one of this country's top prospects with a fifth-place finish at the 1980 Olympic trials. The following October, as he was driving friends home, his van was hit head on by a drunk driver and suddenly Bruce was fighting not only for his future, but for his life as well. His skull was cracked. Every bone in his face was broken. His spleen was ruptured. His liver was lacerated. His left leg was broken. His bleeding was torrential, and 14 hours of reconstructive surgery was needed to put him back together.

Yet, a mere 9 months later, he returned to diving. He was often referred to as ''the Comeback Kid.'' And when he won a silver medal in platform diving at the 1984 Games of Los Angeles, he stood as a true profile in courage.

As he trained in Florida for the 1988 Olympic trials, he was still considered the second best diver in the world. Those trials were less than 3 weeks away on the night of August 1, when Bruce Kimball roared down a dark and narrow street in Brandon behind the wheel of a speeding sports car.

About 30 teenagers were gathered at the end of that dead-end street in a place they called the spot, and in an instant Kimball plowed into them, killing 2 of them and injuring 4 others. His

blood alcohol level, a prosecutor later claimed, was .2, which was twice the legal limit under Florida law. His speed at impact was estimated at 75 miles per hour.

Kimball was sentenced to 17 years in prison, but in November 1993, after undergoing extensive drug and alcohol rehabilitation at four different Florida institutions, he was released after serving 5 years. After being released, Bruce started a part-time job in a Chicago high school coaching diving. Two times Bruce Kimball has had the opportunity to rebuild his life. Unfortunately, the victims of this tragedy will never have that chance.

Mr. Speaker, the stories about Stephanie Nicola and Bruce Kimball remind us that drunk driving can affect anyone's life. Yet, what is most unfortunate is that these terrible events did not have to occur. They could have been avoided had the drivers taken responsibility for themselves and not driven their cars while impaired.

These drunk drivers are not evil people, Mr. Speaker. They are just irresponsible. They go out on the town to have fun. They have a few too many drinks and, believing that they are okay to drive, turn the ignition on and zoom off.

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If they are lucky, they make it home. But all too often something terrible happens, someone gets hurt or, even worse, someone gets killed.

Last week a North Carolina jury held a drunk driver Thomas Jones to the highest level of accountability for killing two Wake Forest University students. The jury sentenced Mr. Jones to life in prison for his actions.

I believe that this verdict, Mr. Speaker, is evidence that Americans are no longer willing to tolerate this type of irresponsible behavior.

Much of this change in attitude is in large part due to the grassroots organizations throughout the United States which have taken the lead in educating students and parents about the dangers of drinking and driving. Groups like MADD, CADD, SADD, and RID have made tremendous progress in promoting responsibility and raising awareness about the dangers of drunk driving. These grassroots organizations have pushed for legislative changes regarding drunk driving.

In my home State of Florida, they played an integral role in lowering the legal blood alcohol content from .10 to .08. According to the Centers for Disease Control, States that have lowered the legal blood alcohol content to .08 have experienced a significant decline in the proportion of fatal crashes relative to other States which have not adopted these laws.

Other examples of success by grassroots campaigns in Florida during the past 10 years include raising the legal drinking limit to 21 years of age and instituting mandatory license revocation for anyone caught drinking and driving.

However, Mr. Speaker, I am convinced that the most significant accomplishment by drunk driving opponents has been, as mentioned earlier, the nationwide awareness and acceptance that drinking and driving is a serious problem. I want to commend all of those who have given their time and energy to make this cause very worthwhile.

Mr. Speaker, we must continue our fight to end this terrible problem which affects so very many of us. We in Congress have a moral obligation to join together with grassroots organizations in raising the awareness about the dangers of drunk driving. I thank my colleagues for joining me in this special order to strengthen our commitment and resolve to keep our Nation's roads safe from drunk drivers.

I have a number of facts here. I call it the Fact Sheet on Alcohol-Impaired Driving. This is from the Centers for Disease Control, dated May 13, 1997. I am going to submit that as a part of the RECORD in the interest of time here this evening.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding to me. I am happy to join the gentleman tonight. I want to thank him for taking the time and the effort to bring this critical problem to our awareness.

Young people unfortunately oftentimes do not plan ahead as they should. They sometimes act impulsively when they should not. As I have visited many high schools in my district, recently have been encouraged to see banners decorating the hallways and the lobby areas reminding young people that, as prom season approaches, this is a very critical time. It is a time when they need to be sensitized to the dangers of drinking and driving.

I would like to say that I am encouraged as I have seen high schools especially making special efforts to see that prom night is a time of safety as well as entertainment and enjoyment for our young people. And they have done that by not only trying to educate the young people regarding the dangers of drinking and driving but also making after-prom activities available which in some cases last all night in a safe and secure and well-supervised setting.

I think the gentleman is right. The greatest effort that we can make in terms of keeping our young people safe during this prom season is to educate them to the dangers and then to take those steps necessary to make sure that their activities are well supervised. Nearly every year in my State of Ohio, we read some tragic story about young people who have gone to the prom and then had a tragic accident. I am hopeful that this year in my State and in my district as well as across the country that the efforts that the gentleman and others are making to raise this issue in terms of public awareness will prevent such a tragedy from happening. I am happy to join the gentleman and to thank him for his efforts.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Ohio, who is a very busy and active member of my Committee on Commerce. And I also thank the gentleman for reminding us that this is prom season. We have talked about MADD and SADD and RID and CADD, et cetera. There are other organizations out there that have helped. But one of the things that has really pleased me is for instance Busch Gardens down in Tampa, FL, and so many other private entities, if you will, have gotten really involved and have invited the young people into their facilities during this period of time so that they can have a good time and not have to travel long distances and go from one location to another for their proms. All of that is helping. Of course what we do here is going to be of great help, too. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I appreciate the gentleman's leadership on this issue. In addition to commenting on this, there is another related matter I want to raise tonight. I appreciate the gentleman yielding some time.

I met earlier today with Michael Larrance from Hamilton High School in my district who is out here for the conference. He has formed a group at his high school of students who are committed not only to trying to combat alcohol abuse but also drug abuse, teen pregnancy and other issues and the need to stress abstinence in these areas.

I worked recently to put together a play that he has taken to other schools, too, to try to address this. I think it is very important that we encourage efforts among the students themselves to combat this. Having a son 17 who is a junior in high school and a daughter who is 19, I am very concerned when they have hit prom season and a lot of the spring seasons and the various trips that they go on, about what they and their friends, and you always worry about who they are riding with, not only their behavior.

I also know that my friend, Senator Tom Wyss, in Indiana has been battling hard with open container laws and various things in Indiana that have been huge fights because there is a lot of money that goes into trying to keep us from putting difficult standards on. But the zero tolerance type of policies a lot of schools are putting in, efforts of police forces to crack down on this, is not only good for our kids but for the rest of us. It is frightening to think of somebody who is alcohol drenched or drug crazed driving down the highway, and you are minding your own business and all of a sudden your life is taken out of your hands because of someone else's behavior.

One of the things I visited over 20 years in the last 6 months, talking

about particularly narcotics abuse but including alcohol and tobacco abuse, and one of the things that I have become concerned with is a bill that we are dealing with later this week regarding narcotics. I am afraid and I am sorry to announce this, but apparently our war against drugs is over. That is the good news. Unfortunately, if this bill we are working on later this week on international issues survives the legislative process, the drug producers and the drug shippers will have won instead of our Nation, because we are now going to give up the current drug certification process.

Many Americans will wonder what I am talking about. Section 490 of H.R. 1486 ends, repeat, kills off provisions in current law which require the President to certify to Congress if a country produces illegal drugs or ships them to kill U.S. children. In place of the current law, the bill the House is considering replaces drug certification with a pile of loopholes and exceptions that are virtually certain to mean no country, including Mexico, will ever been decertified for U.S. foreign aid.

Here is what section 490 does. It allows the President to, and I quote, ''to the extent considered necessary by the President,'' end quote, to hold back foreign aid or instruct the U.S. representative at the World Bank to vote against loans to countries if a series of conditions suggested in the legislation are violated.

Just to be sure that the law is absolutely weak, the legislation allows the President to ignore even the new and timid standards if acting against a pro-drug country, including Mexico, will, and I quote again, ''affect other United States national interests.''

When I read this provision in the bill, I thought to myself, what a nice gift this will be for President Clinton's weak-on-drugs choice to be U.S. Ambassador to Mexico to take with him. We are looking at appointing an ambassador to Mexico who believes in so-called medicinal use of marijuana. There is no medicinal use of marijuana.

There is a medicinal use of THC, which is found in other drugs. It is a back-door effort to legalize drugs. If the policy of the Congress is not to stand up when we send an ambassador to Mexico who is supporting back-door legalization and we take out the drug certification process, what message is this to the kids? We are telling them on one hand, do not drink, do not do drugs. On the other hand, what we are saying is, if trade is more important and all of us, and I know in Florida it is important, in Indiana it is increasingly important. Nobody is saying that trade is not important, nobody is saying we do not have huge immigration questions to deal with. At the same time, we cannot be so concerned about risking some trade or irritation as we work through this that we back off our focus on the drug war.

So I hope to have more to say on this later this week. But I wanted to take this opportunity to come down and say that sometimes we only talk about marijuana and cocaine, and we forget that alcohol is the No. 1 problem among teens. But we also need to understand as a Nation that these things are closely interrelated, and abusers of one are abusers of another. We need to send a clear, concise, consistent message across the board that we stand against this abuse. It is critical for our country, for the future of our young people. It is important in our international policy. We cannot send our children the message that money is more important to us than our lives and safety and their own character development which gets impaired when you use any kind of narcotics, whether it is alcohol, marijuana, cocaine, heroin.

I know in Florida we have had an outburst of the heroin problem, too. We need to look at all these things. I commend the gentleman again tonight for his efforts on drunk driving and all those teens and parents who have been involved in SADD and MADD and those who have been particularly affected by this. Nothing is more tragic than to talk with somebody, as we have had in all of our districts and all over the country, somebody who has lost a life—lost a mother, a father, or lost one of their cherished children because somebody could not handle the alcohol and somebody was not responsible and because of that, somebody else is dead.

I thank the gentleman for his efforts and thank him for yielding me time tonight.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for reminding us that these drugs, if you will, and alcohol are certainly very interrelated. And our wars, in terms of trying to protect our young people, must include both drugs as well as alcohol and other ills that are really out there, so many of them.

I thank the gentleman for his great work on this subject.

Mr. PAPPAS. Mr. Speaker, just a few weeks ago, several of my colleagues and I came to the floor to discuss the increasingly growing problem of juvenile crime in our Nation. All too many of the stories and statistics that I heard my colleagues discuss stemmed from alcohol abuse.

Alcohol abuse among our Nation's youth has indeed become a very serious problem. According to a recent Washington Post-ABC News survey of teens and parents, alcohol abuse was identified as the biggest drug problem facing young people today. I have also seen several studies and reports that reveal that possibly more than half of the country's population that is over the age of 12 is currently using alcohol.

Let me just repeat that: more than 50 percent of the Nation's teenagers use alcohol. We are talking about 8th, 9th, and 10th graders.

Among other things, this is the same age when many young people are first learning to drive. Simply stated, the two do not mix. We cannot begin to tackle the problems of drunk driving without at the same time addressing underage drinking.

For the past few years, I have stood on the steps of the Somerset County Courthouse in a candlelight vigil as the names of victims of drunk driving are read. I pray that next year fewer names are read off.

We are all probably aware of the tremendous peer pressure that so many young people face today. But this week, students from across the country gathered in Washington for the National Youth Summit To Prevent Underage Drinking. These students discussed ideas and made recommendations to curb this problem.

The idea of students and elected officials working together to tackle this problem has been very successful in Somerset County, NJ. While serving as a Somerset County freeholder, I helped form the Somerset County Youth Council in which I asked local school principals to recommend young people to come together and form a council to advise the local elected officials about the pressures facing our youth and strategies for addressing those needs.

This youth council became involved in a wide variety of youth related efforts such as substance abuse prevention ideas, self-esteem building projects, peer leadership programs, and community service and civic projects.

I am also proud to say that I have been involved for a number of years in the 4–H program, and have always felt that this program goes a long way in directing our Nation's youth in positive directions.

I applaud the efforts of the students that came to Washington this week. I wish them well as they return home to share their efforts and recommendations with their classmates and friends. I also want to call upon the Nation's elected officials, leaders, teachers, and parents to encourage these efforts and provide a positive model for these youngsters.

Maybe, if we all put our shoulders to the same wheel, we can work to create a brighter future for America.

NAFTA UPDATE

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Ohio [Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, I am pleased to be the first speaker this evening in a special order devoted to the North American Free Trade Agreement, NAFTA. Tonight we are going to talk about, since the agreement was signed and passed over the objections of many, many of us here in the House, passed in January 1994, what have been the repercussions in our country and what have been the repercussions in the other two nations on the continent, Canada and Mexico, that are participating in this agreement with us?

This past week we saw our President travel to Mexico and to other nations of Latin America to promote additional nations being added to the NAFTA accord. And the question many of us have in the Congress today is, based on the results of the existing NAFTA, the flaws inherent in that agreement, why would anyone want to

expand NAFTA rather than fixing the agreement we have now?

Since NAFTA's passage, the United States has not exported more than it has imported from either Mexico or Canada. In fact, we have now racked up trade deficits annually with Mexico totaling $16 to $18 billion a year, and with Canada $20 billion a year. If each billion dollars translates into lost jobs in this country and we have racked up on average $40 billion in trade deficit every year since NAFTA's passage, how can the overall agreement be working to the advantage of our Nation and its workers?

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If we think about it, with our economy on the rebound and holding its own, without NAFTA we would be growing even faster. Because, in fact, NAFTA acts not as a net positive but as a net negative in terms of job creation and wealth creation in the United States of America.

Tonight we want to talk a little bit about what is happening inside this agreement and the people across our country who are literally the casualties of NAFTA that are never talked about in the press, that are not heard from, but they number in the thousands in our country, and in Mexico they number in the millions.

But if we look at who the President talked to last week in Mexico, the audiences were self-selected. He was cordoned off. People were bussed into events. They were told when to cheer, even told when to wave flags.

But the real people of Mexico, the peasants who have been uprooted from their subsistence farms, the 28,000 businesses in that country that have gone belly up, the people whose wages have been cut by 70 percent, the President really did not hold state level meetings with them. Yet they live on this continent, too. And it is really tragic.

But in a way I am beginning to see a pattern here, because the President and the supporters of NAFTA will not meet with the casualties in our country either. And tonight I want to tell my friends about one casualty, but there are thousands. In fact, the Federal Government's Trade Adjustment Assistance Program for dislocated workers has already certified over 125,000 Americans who have managed to even find that this program exists. There are thousands and thousands more across our country who do not even know if they lose their job because the production has moved to Mexico or Canada, we will try to help them.

But I want to tell my colleagues about one of their stories, because it is very troubling to me that American citizens who have been hard-working, who have paid their taxes and then get hurt because of an action of their government, become nonentities. They become faceless people.

They remind me of the Vietnam war, when people were being killed in the countryside and the body bags came home and they tried to hide them in the hangars at the various bases around our Nation until it began to be reported on the evening news. Well, my friends there are NAFTA casualties and nobody wants to talk about it. But we are going to talk about it tonight.

One of the casualties is a woman that I have had the pleasure of only talking with on the telephone and corresponding with in the mail, and I want to use her as my example and I want to tell my colleagues her story because it is repeated from coast to coast. Her name is Wanda Napier. She is a resident of the State of Missouri. She lives in Marshfield, and I want to read into the RECORD a letter that she recently wrote me.

She wrote me after she became frustrated, and I will read those letters tonight, too, in writing to the President of our country, to her Senators, to her representatives at the State level in Missouri, to her Governor, to the Department of Labor. And to see the answers that this woman got from the Government officials of her State and our Nation is truly an embarrassment.

Here is what she writes me:

Dear Marcie: I am writing concerning the closure of my apparel plant in Seymour, MO. I called you with my concerns in January on the North American Free-Trade Agreement and its cost of American jobs like mine. This trade agreement has made it easier and more profitable for companies such as the Lee Apparel Co. to take American jobs to other countries like Mexico. It is my understanding that representatives want to extend that agreement to cover other countries as well. But let me tell you my story.

The Lee Apparel Co., a subsidiary of Vanity Fair Corp., was one of the two main employers in Seymour, MO. The employees were hard working people who had helped the Lee Co. through many hard times. In 1988, we accepted the Lee COMPETE plan which gave us an immediate cut in pay and tightened our incentive rates and made it harder to make a decent living. We took this cut to help make the jobs in Seymour more secure.

But we found out 8 years later on September 26, 1996, that our hard work and willingness to help the Lee Co. would be thrown back into our faces by the Lee Co. sending our jobs to Mexico and Costa Rica. By sending our jobs to Mexico, the Vanity Fair Corp., through low wages and corporate greed, have not even allowed the Mexican people to make a living.

With one stroke the Vanity Fair Corp., has weakened the American economy and depressed the Mexican people. I know that the people who worked in the Seymour, MO, plant deserve better. Many of the employees had devoted 5, 10, 20, even 25 or more years to the Lee Co., and this was their reward. We certainly were not making extremely high wages. The average for the last quarter we worked was only $7.84 per hour.

A total of almost 2,000 American jobs have been lost just since December of 1995—she says 2,000 jobs just in this one company, in the Lee Apparel Co.—including the closing of the St. Joseph, MO, plant; Fayetteville, TN; Seymour, MO; Dalton, GA; Bayou La Batre, AL; and the downsizing of jobs in the Winston-Salem, NC, plant. The other plants now working are in danger of losing their jobs to foreign countries and live in constant threat of plant closure. When will it stop?

I believe that the Government representatives of this country have allowed this to happen by passing the trade agreements such as NAFTA and GATT. Even though most will tell me that these trade agreements will be better in the long run, it does not help the 2,000 American workers who lost their jobs this year from the Lee Apparel Co., who need to support and feed their families.

I believe that when we combine the unconcern of the Government representatives of this country with the greed and coldness of the American corporations such as the Vanity Fair Corp., we will continue to have lost jobs and an increase of American work given to foreign governments.

The tax dollars generated in the city of Seymour, in Webster County, in the State of Missouri, and the United States, will be lost and services to those communities decreased due to lack of funds because of this closure. The same will be true in other communities that contained Lee apparel plants that were closed and the ones that will be closed in the future due to American work being sent out of the United States.

In a news bulletin dated October 18, 1995, the Vanity Fair Corp. stated, ''Clearly, though, Vanity Fair remains committed to a strong domestic manufacturing capability that provides quick response to our retail partners, flexibility to changing product trends and support to the local communities in which we operate.''

She says, I guess somewhere along the line the Vanity Fair Corp. forgot the American community and the American people to whom they sell their product.

Through the closing of these domestic plants, many American communities will suffer. Not only the employees of the closed Lee Apparel plants but also the businesses who rely on the money generated through wages spent. They will suffer too. That is some commitment on behalf of the Vanity Fair Corp.

We were told that if your plant must be closed, this is the best way because of the provision for job training provided by the NAFTA agreement. But in the case of Missouri, this is not proving to be the case. The employees of Seymour are having to fight to get the training entitlement under this plan. Many are having to fight many battles with the Employment Security Office that approves this training to get the

high-technology training that is supposed to lessen the chance of our future jobs being given to foreign governments. Not only have we lost our jobs, but we now must fight our own Government to get good training.

I don't know, but doesn't it seem like there should be a better way of doing things? When will the American Government start requiring accountability for these trade agreements? When will the American people that they represent start requiring accountability for the bills passed by our Government?

I hope you will read this letter to your fellow Representatives on the floor of Congress. Somewhere the system has gone against the American people and we need help. Thank you for your time and concern, I appreciate all you have contributed to the American worker.

Now I want to put Wanda's letter in the RECORD:

JANUARY 12, 1997.

Congresswoman MARCIE KAPTUR,
State of Ohio, Rayburn Building, Washington, DC.

DEAR CONGRESSWOMAN KAPTUR: I am writing concerning the closure of my apparel plant in Seymour, Missouri. I called your radio program on 1–12–97 with my concerns on the North American Free Trade Agreement and its cost of American jobs like mine. This Trade agreement has made it easier and more profitable for companies such as the Lee Apparel Company to take American jobs to other countries like Mexico. It is my understanding that representatives want to extend that agreement to cover other countries as well. This is my story:

The Lee Apparel Company, a subsidiary of the Vanity Fair Corporation, was one of the two main employers in Seymour, Missouri. The employees were hard working people who had helped the Lee Company through many hard times. In 1988, we accepted the Lee COMPETE plan which gave us an immediate cut in pay and tightened our incentive rates and made it harder to make a decent living. We took this cut to help make the jobs in Seymour more secure.

We found out on September 26, 1996 that our hard work and willingness to help the Lee Company would be thrown back into our faces by the Lee Company sending our jobs to Mexico and Costa Rica. By sending our jobs to Mexico, the Vanity Fair Corporation, through low wages and corporate greed have not even allowed the Mexican people to make a living. With one stroke, the Vanity Fair Corporation has weakened the American economy and depressed the Mexican people. I know that the people who worked in the Seymour, Missouri plant deserve better. Many of the employees had devoted 5, 10, 20, and even 25 or more years to the Lee Company and this was their reward. We certainly were not making extremely high wages. The average for the last quarter we worked was only $7.84 per hour.

A total of almost 2000 American jobs have been lost just since December of 1995 in the Lee Apparel Company, including the closing of the St. Joseph, Missouri; Fayetteville, TN.; Seymour, Missouri; Dalton, GA.; Bayou La Batre, Al.; and the down-sizing of jobs in the Winston-Salem, N.C. plant. The other plants now working are in danger of losing their jobs to foreign countries and live in constant threat of plant closure. When will it stop?

I believe that the government representatives of this country have allowed this to happen by passing the trade agreements such as NAFTA and GATT. Even though most will tell me that these trade agreements will be better in the long run, it does not help the 2000 American workers who lost their jobs this year from the Lee Apparel Company support and feed their families. I believe that when we combine the unconcern of the government representatives of this country with the greed and coldness of American corporations such as the Vanity Fair Corporation, we will continue to have lost jobs and an increase of American work given to foreign governments. The tax dollars generated in the city of Seymour, Webster County, the State of Missouri, and the United States will be lost and services to the communities decreased due to lack of funds because of this closure. The same will be true in the other communities that contained Lee Apparel plants that were closed and the ones that will be closed in the future due to American work being sent out of the United States.

In a news bulletin dated October 18, 1995, the Vanity Fair Corporation stated, ''Clearly, though, VF remains committed to a strong domestic manufacturing capability that provides quick response to our retail partners, flexibility to changing product trends and support to the local communities in which we operate.'' I guess somewhere along the line, the VF Corporation forgot the American community and the American people to whom they sell their product. Through the closing of these domestic plants, many American communities will suffer. Not only the employees of the closed Lee Apparel plants, but also the businesses who rely on the money generated through wages spent will suffer. That is some commitment on the behalf of the Vanity Fair Corporation!

We were told that if your plant must be closed, this is the best way because of the provision for job training provided by the NAFTA agreement. In the case of Missouri, this is not proving to be the case. The employees of Seymour are having to fight to get the training entitlement under this plan. Many are having to fight many battles with the Employment Security office that approves this training to get the high-tech training that is supposed to lessen the chance of our future jobs being given to foreign governments. Not only have we lost our jobs, but now we must fight our own government to get good training.

I don't know, but doesn't it seem like there should be a better way of doing things? When will the American government start requiring accountability for these trade agreements? When will the American people that they represent start requiring accountability for the bills passed by our government?

I hope you will read this letter to your fellow representatives on the floor. Somewhere the system has gone against the American people and we need help! Thank you for your time and concern. I appreciate all you have contributed to the American worker.

Sincerely yours,

WANDA J. RAPIER.

But what is very interesting is she sent a similar letter to the President of the United States. I am going to read his answer and put that in the RECORD this evening as well, because it is an answer that goes to the hundreds of thousands of people in our country who have lost their jobs to NAFTA as well as to the people in Mexico who are getting the short end of the stick.

This is what he said to Wanda, the President of the United States, in a letter dated January of this year.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than 2 million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete, not retreat, and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely, Bill Clinton, President of the United States.

THE WHITE HOUSE,
Washington, January 14, 1997.

Ms. WANDA J. NAPIER,
Marshfield, MO.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than two million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete—not retreat—and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely,

BILL CLINTON.

Now, Wanda also wrote her Senators, and I am going to read the answer that she got, and we wonder why the American people stop voting, because nobody is listening. And here is what one of the Senators said, and I will place this in the RECORD:

Dear Ms. Napier: Thank you very much for sharing your thoughts. I am always happy to hear from Missourians and am interested to know your thoughts on this issue.

Again, thank you for taking the time to inform me of your views. If I can be of further assistance, please do not hesitate to contact me.

U.S. SENATE,
Washington, DC, October 16, 1996.

Ms. WANDA J. NAPIER,
Route 4, Box 3810, Marshfield, MO

DEAR MS. NAPIER: Thank you very much for sharing your thoughts on supporting the NAFTA Accountability Act. I am always happy to hear from Missourians and am interested to know your thoughts on this issue.

Again, thank you for taking the time to inform me of your views. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

CHRISTOPHER S. BOND,
U.S. Senator.

Then she wrote a senator in her home State, and I will not read the entire letter here this evening, but I will read a portion of it and place the entire letter of reply in the RECORD. The gentleman, who is a senator in Jefferson City, says to Wanda:

The question was posed as to how we were allowing this to happen. I do not know that anyone was allowing this to happen. Competition in the sewing industry has been very intense for several years, and now that we have a Mexican labor market so open to us, there is even greater pressure from competition.

MISSOURI SENATE,
Jefferson City, October 16, 1996.

Ms. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: I have received four letters which were identical so, therefore, I am taking the liberty of sending each of you the same letter.

I am very sorry that the Lee Company found it necessary to close the Seymour plant and I know it will be a burden and hardship on 350 individuals as well as their families. The economic impact on the county is also obvious.

The Department of Economic Development has assured me that they will do all they can do to see that a new employer is able to move into the Seymour community at the earliest date possible.

The question was posed as to how we were allowing this to happen. I don't know that anyone was allowing this to happen. Competition in the sewing industry has been very intense for several years and now that we have a Mexican labor market so open to us there is even greater pressure from competition.

I doubt that any one of us wants to live in a state or nation that would nationalize businesses (take the companies over).

You may wish to correspond directly with Congressman Skelton and Senators Bond and Ashcroft. Their addresses are enclosed.

Be assured of my interest and willingness to help in any way I can. I do believe that there will be job opportunities for the work force in the Seymour area. The availability of the plant facilities and trained work force has to be a real asset for the city of Seymour to offer a prospective company.

I know it is a difficult time but by working together there will be a brighter day.

Sincerely,

JOHN T. RUSSELL.

At least he was honest. At least he was honest, and what he is really saying is that here in the United States what we are doing is, we are in a race to the bottom. Lowering our standards continually, wages not rising, benefits being cut, whether it is in health, whether it is in retirement, workplace standards deteriorating because we do not have proper rules of engagement with nations that are not at our level and standard of living.

Now, she also wrote the Secretary of Labor of the United States of America. I am going to place that response in the RECORD, as well, because essentially what they say to her is that the President and the Secretary of Labor have been raising the issue of corporate responsibility, and they are telling her that while change is inevitable, profit should not be the only factor considered when companies reorganize, merge, or downsize.

And, in fact, the Secretary of Labor informs her that the President of the United States recently hosted the White House Conference on Corporate Citizenship, gee, would that not make her feel good, to continue the national discussion, discussion of how the corporate sector can ensure growth and profitability while not denying people the opportunity to make the most of their lives.

They go on to say that more than 300 business leaders came to the White House, including a sizable number of those businesses that are leaders in one or more of the five critical aspects of corporate responsibility. And listen to what the White House thinks are the elements of corporate responsibility: family-friendly work practices, health care and retirement, safe and secure workplaces, education and training, and employer-employee partnerships.

But where is jobs in America? Where is the issue of holding these corporations responsible for productive, high-wage jobs in the United States of America? Not even discussed.

U.S. DEPARTMENT OF LABOR, OFFICE OF THE ASSISTANT SECRETARY FOR POLICY,
Washington, DC, October 28, 1996.

Ms. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: Thank you for writing. The Secretary of Labor has asked me to respond on his behalf.

The President and the Secretary are committed to doing all they can to assist workers, such as those at the Lee Company plants cited in your letters, who have lost or are in danger of losing their positions as a result of downsizing. The Administration is fighting to ensure that adequate funding is provided for training programs for dislocated workers, to help them land on their feet.

The President and the Secretary are also raising the issue of corporate responsibility. While change is inevitable, profits should not be the only factor considered when companies reorganize, merge, or downsize. Corporate decisions and actions must accommodate the interests of employees as well.

The President recently hosted the White House Conference on Corporate Citizenship to continue the national discussion of how the corporate sector can ensure growth and profitability while not denying people the opportunity to make the most of their lives. More than 300 business leaders attended the Conference, including a sizeable number of those businesses that are leaders in one or more of five critical aspects of corporate responsibility: family-friendly work practices, health care and retirement, safe and secure workplaces, education and training, and employer-employee partnerships.

Thank you for sharing your thoughts and concerns on these important economic issues with the Administration.

Sincerely,

EMIL PARKER,
Office of the Assistant Secretary for Policy.

It was interesting, she wrote her Governor. I will not read the answer from the Governor of Missouri, but basically it is a letter saying, I want to hear the concerns of citizens and be of assistance, but because your problem of losing your job falls under the jurisdiction of the Department of Labor and Industrial Relations, he is bucking the letter to the Department of Industrial Relations, which basically tells her that they have a listing of computerized building and site information that they make available to potential companies that want to locate in Missouri.

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, November 26, 1996.

Ms. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: Thank you for your letter. I want to hear the concerns of citizens and to be of assistance when possible.

Because the matter addressed in your letter falls under the jurisdiction of the Department of Labor and Industrial Relations, I have forwarded your letter to the department director's office for review and response. You should receive a reply in the near future. If you do not, please let me know.

Very truly yours,

MEL CARNAHAN.

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I can tell my colleagues I spoke to Wanda on Sunday again. She has no job. Her fellow employees, if they have been able to scrape anything together in that part of the country, are earning half of what they used to earn, and they only earned about $7.85 an hour anyway.

This is what one citizen has tried to do to get anybody to listen to her story. This is someone who could be completely down and out, but she refuses to back down because she wants an answer. So what is she doing? She has rewritten the President of the United States another letter. She said, ''Mr. President, I do not think you read my letter because the answer I got could not have been to the letter that was addressed to you.''

She wrote that letter a few months ago and she finally got an answer dated May 5, again from the White House, exactly the same letter, word for word, except for the date, that she received in the first place. I am going to place that letter in the RECORD as well at this point.

The White House,
Washington, May 5, 1997.

Mrs. WANDA J. NAPIER,
Marshfield, MO.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than two million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete—not retreat—and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely,

BILL CLINTON.

She has been e-mailing the White House. This is a woman who will not give up. I give her so much credit. She has been e-mailing the White House almost every other day. It is interesting when she writes the e-mail to explain her problem, whoever is down in that office in the e-mail office, here is what they answer her:

Thank you for writing to President Clinton via electronic mail. Since June 19, 1993, the White House has received over 1 million e-mail messages from people across the country and around the world. We are excited about the progress of online communication as a tool to bring government and the people closer together. Your continued interest and participation are very important to that goal. Sincerely, Stephen Horn, Director, Presidential E-mail, the Office of Correspondence.

If you were Wanda sitting out there in Missouri, how would you feel? I promised her that I am going to keep repeating her story until she gets a decent answer from the highest officeholder in this land who is elected, not appointed, and who is the promoter, the chief promoter of this agreement, along with the Speaker of this institution. It seems to me that Wanda and the 125,000 citizens of this country who have completely lost their jobs, in California, in Missouri, in Florida, in Michigan, in Tennessee, in Kentucky, in Alabama, in Texas due to NAFTA, do they not have a right to more consideration than this?

Today in Ohio we had major news. In the Warren, OH area, 8,500 workers at a major General Motors plant have gone on strike. What are they striking about? Let me read from the AP wire service. They walked off the job at General Motors Corp. where they make electric wiring for 20 automakers worldwide. The walkout began at 12 o'clock today, the deadline set by their union representatives to reach a contract agreement on local pension and pay issues with Delphi-Packard systems. Talks broke off on the issue of job security. Specifically, the union's contention is that the company in recent years has shifted thousands of jobs to Mexico, which it has. It employs over 37,000 people in Mexico today. General Motors is the largest employer in the nation of Mexico after the Government of Mexico.

The company wanted to reserve the right to move any work out of Ohio to Mexico at any time and that they did not have to meet with us about it, and that's when the bargaining committee said we can't live with that.

The concern is for our members working here to be able to retire from here.

Their story, their strike is connected to Wanda. It is over the same issue: fair treatment of workers across this continent. It is very interesting that when Mexico got in trouble last year and they had to be bailed out with the peso bailout, the investors on Wall Street and the investors on the Mexico City stock exchange had such important seats at the table that our own Government became the insurance company for Mexico and our taxpayer dollars, through the U.S. Treasury, were used to prop Mexico up. But when the American people lose their jobs to another nation, or they are threatened with losing their shirts, they have no seat at the table. There is no place under NAFTA where the workers of our country, and, for that matter, the workers of Mexico and the farmers of both nations, where they get a break, where they get anybody to pay attention to their story. Do my colleagues think the Secretary of the Treasury even would sit down with Wanda? I would love to see that. The President of the United States will not even answer her repeated letters and repeated e-mails.

So here tonight we give voice to her, we give voice to the 8,500 General Motors workers in Warren, OH, who are standing firm. Their fight is a fight for every working family in America, because they are saying, we do not want our jobs outsourced. We do not want to have our wages reduced and our benefits cut and our health benefits plan gutted because we have to go in competition with a nation that will not even permit its own citizens to have their wages rise with rising productivity.

Let me mention that this Warren-based company of General Motors has 17 manufacturing plants and an engineering center in the Warren-Youngstown region in northeast Ohio, and they make wiring harnesses. Half their production goes into GM vehicles. As with Wanda's company, Vanity Fair, which had branches all over the United States, Delphi Packard has factories in Alabama, Arizona, California, and Mississippi. The workers who are standing the ground in Ohio tonight are standing in firm solidarity with workers across this Nation and, in fact, across this continent.

The striking workers have set up picket lines in Ohio. Production was stopped and no new talks were scheduled. One of the company spokesmen said today, ''One real key point for us is that Delphi Packard has worked long and hard to build a diverse customer base, a lot of non-GM customers. The difficulty of winning and growing non-GM business is so challenging that when you interrupt that supply line, the risk is you can damage that relationship.''

Union members have complained about retirement incentives for older workers and wages and benefits for newer employees who make up 55 percent of the most senior hourly workers.

What they are really fighting about are standard of living questions, living wage questions, questions of whether their contract, given their work, deserves a fair day's pay. With whom are they competing? People who do not have the ability to raise their standard of living in a nation like Mexico.

Mr. Speaker, I would like to place this story about what is happening in Ohio in the RECORD this evening at this point.

8,500 DELPHI WORKERS STRIKE IN WARREN, CITE MEXICO THREAT

WARREN, OH (AP).—A key auto industry supplier was struck today by 8,500 hourly workers who walked off the job at a General Motors Corp. subsidiary that makes electric wiring for 20 automakers worldwide.

The walkout began at 12:01 a.m., the deadline set by the International Union of Electronic Workers to reach a contract agreement on local pension and pay issues with Delphi Packard Electric Systems.

Talks broke off over the issue of job security, specifically the union's contention that the company in recent years has shifted thousands of jobs to Mexico, Mike Kowach, Local 717 vice president, said today.

''The company wanted to reserve the right to move any work out of Ohio to Mexico at any time and that they did not have to meet with us about it, and that's when the bargaining committee said we can't live with that.

''The concern is for our members working here to be able to retire from here,'' Kowach said.

A message seeking the company's response on that issue was not immediately returned.

Most pay and benefit issues were settled earlier in a national agreement between GM and the union. The contract governing local issues expired in September.

The Warren-based company has 17 manufacturing plants and an engineering center in the Warren-Youngstown region in northeast Ohio, and makes wiring harnesses. Half of its production goes into GM vehicles.

Delphi Packard also has factories in Alabama, Arizona, California and Mississippi that are not involved in the strike.

Both sides have been negotiating on local issues since mid-1996.

The striking workers set up picket lines, but other employees reported to their jobs, leading to some minor confrontations at the plant gates, according to police and the union.

Production was stopped and no new talks were scheduled, Delphi Packard spokesman Jim Kobus said today.

''One real key point for us is that Delphi Packard has worked long and hard to build a diverse customer base, a lot of non-GM customers. The difficulty of winning and growing non-GM business is so challenging that when you interrupt that supply line, the risk is you can damage that relationship,'' Kobus said.

He said it was too early to comment on when automakers might feel the effects of the walkout.

Union members have complained about retirement incentives for older workers and wages and benefits for newer employees who make 55 percent of the most senior hourly workers.

Mr. Speaker, I see that we have been joined by the gentleman from Michigan [Mr. BONIOR], our very esteemed leader. I very much appreciate the opportunity to be able to tell the story of Wanda Napier this evening. I hope at some point we can bring her to Washington and let her tell her own story. I also appreciate being able to talk about the very brave workers in Ohio who run the risk of losing their jobs because they are standing firm at a time when they feel like pawns in a very powerful system of production globally. We just want them to know that we stand with them and our hearts are with them tonight.

Mr. BONIOR. I thank my colleague for taking the time and for her leadership on this issue and for caring so

much for those who have been in many ways brutalized by a system that has run amuck in our country today and for putting a human face on this issue tonight by telling a story of a person who has gone through the difficulties and the sorrows and the change. Putting a human face on these issues is so important. We can talk numbers and we can talk statistics, but these are real people with real lives, who have families, who have hopes, who have dreams. We are watching these policies snatch away those hopes and those dreams. We have got to fight it. The gentlewoman has been at the forefront of doing that for years.

My friend from Ohio talked about what is happening in outsourcing in Warren, OH. Of course, my colleagues know that recently the Goodyear Tire & Rubber Co. was on strike. I do not know if the gentlewoman alluded to that. I was not here.

Ms. KAPTUR. I did not allude to it.

Mr. BONIOR. There were 12,500 people that went on strike to demand decent wages and benefits and to limit outsourcing, which is a serious problem. Let me say that one of the major issues of that strike was the announcement by Goodyear that it was transferring production from Akron, OH to Santiago, Chile, resulting in 150 job losses. This issue is going to continue on and on unless we seriously address the wages and worker rights in our trade agreements. That is what we are here for today. We are talking about something that the administration wants to bring to the House floor. It is called fast track. It is a way to do trade negotiations without including the Congress in the formulation of that agreement. Agreements are made, they are brought to the Congress, and it is an up-or-down yes vote on the whole agreement and we do not have a say in it. That one might be OK from our perspective if we knew that in the core agreements, there would be negotiations dealing with the environmental issues, with labor issues, the trade issue, the whole question of wages and pensions and benefits and human rights. But they are not part of these discussions, and that is why we are so concerned about them.

I would like to talk about one other thing tonight, if I could, because it is an article that appeared, and I know that we have discussed it on the floor today, the gentlewoman from Ohio [Ms. KAPTUR] and myself, and I see the gentleman from Ohio [Mr. KUCINICH] here who has an article I am going to talk about that appeared in the New York Times, I believe it was last week, it was on the front page of the business section, it says ''Borderline Working Class.'' This piece deals with the whole question of what has happened to the workers in Texas, in El Paso and all the border towns along that area.

One would have expected that there would have been a boom from listening to all the proponents of NAFTA, that this would have changed the direction of the Texas economy for the better and there would be just great trade between El Paso and these other border towns and Mexico.

I want to draw the attention of my colleagues this evening to what I call a casualty of NAFTA. It might surprise my colleagues to know that El Paso, TX, right along the border with Mexico, is a casualty of NAFTA. In last Thursday's New York Times, in the business section, there were a couple of stories. We would expect the city of El Paso, as I said, to be a winner under NAFTA. At least that is what the proponents said. But as the article in the New York Times shows, the exact opposite has taken place. The article first describes a situation of Sun Apparel, where workers stitch clothes for Polo, Fila, and Sassoon. Some of the women who work at Sun Apparel in El Paso made slightly more than $4.75 an hour, which is the minimum wage. Even after 15 years of work, these women are making $4.75 an hour. But last month, Sun Apparel eliminated 300 jobs at the plant and shifted work to Mexico. Those workers, and 320 more who lost their job last year, were certified by the Labor Department as having lost their jobs through NAFTA. In Mexico, garment workers are usually paid $1 an hour. So the minimum wage does not even protect you anymore.

Mr. Speaker, El Paso is where the rest of America is starting to catch up to, becoming fully integrated with the Mexican economy. Workers in El Paso must accept the minimum wage because the wages are so much lower just across the border. El Paso has lost more jobs to Mexican trade as certified by the Labor Department than anywhere else. Of the 5,600 workers who have been certified, only a fraction took advantage of the retraining program for NAFTA job loss victims. According to this Times article, and this is significant, that program left these workers with no skills or no jobs. The Federal Government has spent $18 million on retraining people in El Paso under this program, without any real results, and will be spending another $4.5 million more to retrain workers yet again. In fact, the mayor of El Paso, who was once a champion of NAFTA, is now a critic of the agreement. El Paso's unemployment rate is soaring. It is up to 11 percent. Juarez, just across the border from El Paso, has 177,000 maquiladora jobs by the end of last year. It has gained 77,000 of those jobs in the last 2 years alone. NAFTA has driven thousands of jobs out of El Paso and depressed the wages of its workers.

□ 2015

Ms. KAPTUR. Mr. Speaker, that is some level of a sucking sound south, is it not?

Mr. BONIOR. It is certainly one of the largest Hoover vacuum cleaners that I have ever heard.

Ms. KAPTUR. And by the way, they are moving jobs, if the gentleman will yield, out of Canton, OH, to Mexico as well.

Mr. BONIOR. Canton, Ohio, and I can name some places in Michigan, and of course our friend, the gentlewoman from Missouri [Ms. DANNER] was up here the other day talking about the two plants in her district that have moved entirely out.

But you know it is not just the jobs. It is that downward pressure on wages. And I want to emphasize that tonight because we talk about jobs, but it is that constant pressure of the American worker that the employer comes to the bargaining table with them and says: ''Listen, if you do not take a freeze in your wages or a cut in your wages or a cut in your health benefits, your pension benefits, we are out of here. We are going south.''

And as the chart that is next to the gentlewoman from Ohio illustrates, there was a study done by the Labor Department recently that was suppressed that showed that 62 percent of United States employers threatened to close plants rather than negotiate with or recognize a union implying or explicitly threatening to move jobs to Mexico; 62 percent.

They said to these folks, ''You know, we can just go south, and we will go south,'' and that is driving down wages.

Now for those people who actually do lose their job, and we have had anywhere between a quarter of a million and 600,000; we do not know the exact figure, but it is high; and we know we have got a trade deficit with Mexico now. We had a surplus of about $2 billion before NAFTA; it is about $16 billion deficit now, and that translates into about 600,000 jobs if you use the proponents' formula. We know that of those people who have lost their jobs a good many of them, probably most of them, have gotten other jobs.

Mr. SANDERS. Will the gentleman yield?

Mr. BONIOR. I will. When I make my point, I will yield to my friend from Vermont. The problem is the jobs that they have got, they have gotten at about two-thirds the wage level which they were making before the original job is lost. And of course that just puts incredible pressure on them to reach a sustainable living wage for their families. So they get another job, they are sort of working two jobs, and when they are working two jobs or three jobs, they are not home for their kids' soccer game, they are not home for PTA meetings or school nights out, and then the whole family structure suffers.

So it is more than just jobs and wages. It is the whole social fabric of our society today.

And I yield to my friend from Vermont if the gentlewoman from Ohio will yield.

Ms. KAPTUR. Mr. Speaker, I am pleased to yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I am pleased to be here with the gentlewoman from Ohio [Ms. KAPTUR], the

gentleman from Michigan [Mr. BONIOR] and the gentleman from Ohio [Mr. KUCINICH], who are leading the fight against NAFTA.

The gentleman from Michigan makes an important point about wages, and let me ask my friends this question:

Every day that we pick up the newspaper we hear about the booming American economy. Do we not? In fact there was an article in the paper about how we have to clamp down on the boom, it is just off the wall it is so fantastic. But if you read page 62 in the little print about the boom when they talk about the wages that middle-class workers are getting in the midst of this boom, what do you find? My goodness. The real wages for American workers are continuing to decline.

Yes, the CEO's of major corporations saw a 54-percent increase in their compensation. Yes, the stock market is hitting off the wall. Yes, the rich are getting richer. But what about the average worker?

Mr. Speaker, the front pages of corporate America's newspapers do not talk about it, but for the average American worker, despite all of the so-called boom, the real wages are going down, people continue to work longer hours for low wages, and one of the reasons why is precisely what the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Michigan [Mr. BONIOR] are talking about. If our workers are forced to compete against desperate people in Mexico or in China who are trying to get by on starvation wages, if we merge these economies what is the ultimate result?

Mr. Speaker, it does not take an Einstein to figure it out. If there is a employer over here who is going to pay somebody 50 cents an hour, why are they going to pay you $15 or $20 an hour?

I would submit for the RECORD a remarkable article. Many of you must have seen it. It was April 27, 1997, the Associated Press, and what they talk about is Nike in Vietnam. Now Nike has a habit of going to wherever in the world wages are at rock bottom. Mexico is much too high wage for Nike. They are now in Vietnam. They have determined that wages in Vietnam are the lowest in the world.

Let me quote this:

> In demonstrations on Friday workers burnt cars and ransacked the factory's office saying the company, Nike, was not paying them a $2.50 cents a day minimum wage.

That is our competition. That is what, much of what, the global economy is about.

American workers, you really want to compete? Are you ready to go below $2.50 an hour? Nike might come back to America and hire you if you are ready to go for $2 a day. Ready to do that?

And that is, I think, the point that we are trying to make, and that is how it ties into the most important issue which is the declining wages.

Mr. BONIOR. And I think the Nike Corp., and correct me if I am wrong, you have the article in front of you; they are paying the workers in Vietnam 30 cents an hour.

Mr. SANDERS. That is about right.

Mr. BONIOR. Thirty cents an hour.

Now I mean the Disney Corp. engages in the same situation. I mean they had a guy who they fired as their president, Michael Ovitz. They paid him $90 million, severance package; he got $90 million to be fired, and the guy who fired him got $776 million over a 10-year period in the contract.

Now having said that, they make their clothes not in Texas, not in North Carolina, not in Illinois. They have those sweat shirts and those hats all stitched down in Haiti where they pay people 28 cents an hour.

I was watching the evening news, I forgot what network had it on this weekend, but they did a story about the Caribbean basin, I suspect a follow-up or during the President's visit down there. They are losing jobs to Mexico, the Caribbean basin countries. The Caribbean basin countries are losing all types of jobs to Mexico because they are getting a better deal in Mexico because of the NAFTA agreement and the low wages and the guaranteed investment.

This NAFTA is broken. I mean, they want us to move ahead with the fast track that will include other countries based on what we have under NAFTA, and it is like your house being on fire and your basement being flooded. You do not add another addition while that is all happening. You fix it first before you go on. And before we move ahead on fast track it seems to me, and to us, I think, is that we have got to correct a very inequitable, unfair situation in which the gentlewoman from Ohio has depicted in human terms very well this evening, and I thank her for it.

Ms. KAPTUR. Mr. Speaker, if I might just reclaim a moment here before recognizing our wonderful colleague from Ohio? The gentleman from Michigan [Mr. BONIOR] has been a champion. I remember during the NAFTA debate he said this is our way of life, we are fighting for our way of life, this is who we are. We are not talking about something that is out there; it is about the struggle that we have had to create a middle class and allow people to sustain themselves and to experience the best that American life has to offer, and the country owes the gentleman a debt of gratitude, not just our region, but the whole country, and I thank the gentleman for sticking with us on this. I just wanted to mention that when you were saying that probably the biggest threat in these trade agreements when they are not well-balanced and people, many people, are not at the table, creates this downward pressure on our living standards, on our wages.

This is an excellent poster that we have blown up here that came from a company in Illinois, and they told their workers that the workers' jobs might go south for more than just the winter, and it says on the bottom this was posted on the company bulletin board. This is an automotive plant. It says, ''There are Mexicans willing to do your job for $3 to $4 an hour. The free trade treaty allows this.''

And that is not just a subtle message to the work force, but it is that the downward pressure is heavy duty, and that is why workers at plants like the Delphi plant in Warren, OH, have said, all right, you want to draw a line in the sand, we are drawing the line for America.

So I think this is proof in the pudding of exactly what you are talking about, and I wanted to thank the gentleman from Vermont [Mr. SANDERS] for coming down here this evening and being with us. It seems like we were here before, we were here before and we tried to tell this story. Now we have 3 years of experience to measure, and we intend to measure, and we have new Members like the gentleman from Ohio [Mr. KUCINICH] who has hit the ground running here, who comes from having been mayor of Cleveland and comes from a place that has experienced the industrial and agricultural transformation over the last several decades, has lots to say on this, and we welcome you this evening.

Mr. KUCINICH. Thank you very much, and I am certainly glad to join the delegation of which you are a leader in this effort to call to the attention of the American people so many of the inequities which exist in our trade agreement known as NAFTA, and it is certainly a pleasure to be in the Congress of the United States with such leaders as you and the gentleman from Michigan [Mr. BONIOR] and the gentleman from Vermont [Mr. SANDERS] who are outstanding spokespersons on this issue to let the American people know what is going on because people who follow government always want information so that they can make intelligent decisions about whether or not they support policies.

And when I saw the gentlewoman from Ohio [Ms. KAPTUR] produce that poster, which I have a copy of as well, with the UAW: Your jobs may go south for more than just the winter; this was distributed in an attempt to frustrate what we in this country recognize as the basic right of working people to associate and organize. And when an organizing drive was occurring in Macomb, IL, at this company, it was NTN Bauer, these leaflets began appearing throughout the plant. There are Mexicans willing to do your job for $3 to $4 an hour; free trade treaty allows that.

So what NAFTA has produced is a different type of behavior on the part of those who are running the companies where workers are now threatened, and they are threatened in an insidious way because, if we in this country do not always have the ability to exercise our most basic rights as citizens, which we recognize as the right of association guaranteed in the first amendment and derived from that the

right to organize, the right to be able to affiliate, the right to be able to extend into areas like collective bargaining; if we have a trade agreement that effectively can lead others to trash those basic rights, then we have a trade agreement which abrogates some of the rights which the people of this country gained when this country was founded over 200 years ago.

Now what then can be the remedy? Well, there certainly is a remedy, and that is the Fast Track Accountability Act which specifically provides that workers' rights must be protected, that we would adopt and enforce laws to extend internationally recognized workers' rights in any country involved, and those rights would include, and we would codify this, this would be in the law, the rights of freedom of association, the right to organize, which Congressman SANDERS talked about in one of our last discussions, the right to organize and bargain collectively, the prohibition of force or compulsory labor, establishment of a minimum wage for the employment of children and acceptable working conditions with respect to minimum wage and hours of work and occupational safety and health.

Some will say, well, we have some of that in existing NAFTA. We have very weak side agreements which are not really enforceable, and there is no punishment if someone does not abide by and respect the rights of workers. The same is true of environmental standards. NAFTA is causing a leveling down of environmental standards.

We know also from other trade agreements the World Trade Organization can in fact impose, in effect abrogating our Constitution, can attack our sovereignty by saying that our environmental standards, which help to assure the quality of life in this country, in effect are an impermissible trade barrier and therefore the United States must either pay a fine or other action will be taken against the country. This attacks our sovereignty as a nation.

□ 2030

So we need in a fast track agreement guarantees not only to protect workers, not only to protect labor, but to protect the environment as well, which would mitigate global climate change, which would cause a reduction in the production of ozone depleting substances, which would ban international dumping of highly radioactive waste and all of these things which we need to put in the law. That is the only way that fast track should ever be considered. Those must be in the law, and once it gets into law, if there is a violation, then we could treat it as an actionable unfair trade practice, subject to potential sanctions such as withdrawal of free trade privileges.

Now, we are not helpless in this country. We have the ability to retake, to regain control of our destiny. We have an ability to reclaim our sovereignty so that the World Trade Organization is not in effect nullifying the laws made by this Congress. But the only way we can do that is that as long as NAFTA exists, and I certainly am not an advocate for that, but as long as it does exist, the only way we can move forward is through having labor and environmental standards, high standards which must be at the core of any agreement.

Mr. Speaker, that is something I offer for my colleagues' consideration, because I think that is something that would enable the public, which watches these events so carefully, to have a little bit more confidence in these kinds of agreements. We must secure workers' rights. If we do not do that, if we are not willing to do that in international trade agreements, we will sacrifice the rights of workers here at home, and that will lead to a deterioration of our democratic society.

Mr. BONIOR. Mr. Speaker, if the gentleman would yield on that point, because that is really a key point here. When we talk about these agreements, we talk about them in terms of trade, we talk about them in terms of tariff, and I tried to broaden it with my colleagues here this evening to talk about the environment and labor rights and human rights.

The gentleman mentioned something just now that goes deeper than even that, it goes to the depths of what we are about as a country, it goes to the heart of our system, it goes to democracy. The gentleman used the word democracy. That is what this is about.

The proponents of this fairlyland globalized trade scheme that we are now engaged in want to take us back to the 19th century, before people had these basic rights. I am talking about worker rights now, the right to organize, to assemble, to freely associate, to form unions, to collectively bargain, the right to strike, the right to have certain labor standards and job protections and safety standards.

That just did not happen, that happened because a lot of people struggled for 100 years to make it happen. They marched, they were beaten, they lost their jobs, they were killed, they were assassinated in order for us to have these rights, to be able to come together and bargain for our work.

As a result of those sacrifices, the wealthiest and most prosperous Nation in the world and the largest middle class in the history of the Earth, of this world, was developed. And now, we are, through our trade agreements, creating a situation in which there is a rush to the bottom rung to roll back all of these rights.

The woman who works at Sun Apparel making $4.75 an hour lost her job, making the minimum wage. The minimum wage does not even help her anymore, because we have made a marriage with Mexico on the economy and it is across the border. Now she has to compete at a lower level, she has to compete without job security, she has to compete without environmental safeguards there along the border and along the river.

So it is more than just jobs and tariffs and downward pressures on wages, it is about being able to come together as people and organize and to assemble and to bargain for your sweat.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield, I think the proof basically is in the pudding; is it not? Now, if the trade policies and our current economic policies are working well, then the proof is there. Then we will have an expanding middle class; right? Then the new jobs that are being created will pay people decent wages; is that not correct? Then we will have a society where the gap between the rich and the poor grows narrower.

But what in fact has been happening since the development of these trade policies? What we now have in the United States is the wealthiest 1 percent of the population owning 42 percent of the wealth, which is more than the bottom 90 percent. Now I think we have not been totally fair tonight, because I think we should acknowledge that these trade agreements do do some people good.

Mr. BONIOR. They do, Mr. Speaker.

Mr. SANDERS. Mr. Speaker, we have to be honest about it, yes, for the vast majority of workers, wages are going down. Yes, we have lost hundreds of thousands of jobs for our working people, but we have not been totally fair tonight; and that is we must acknowledge that some people are doing well. We have to say that, and we do have to point out that the CEO's of major American corporations last year, and I am sure everybody will be happy to hear this, especially if you are among the richest 1 percent, saw a 54 percent increase in their compensation.

So some people are doing very well. The average worker has seen a decline in his or her wages, but the richest people in America have never had it so good. So that explains to us why they pour millions and millions of dollars into their lobbyist friends and their television ads and newspaper ads telling us why we should support NAFTA and GATT.

The trade agreement is working for all of you out there who are millionaires and billionaires. In fact, over the last 15 years it is rather remarkable. While the real wages of American workers have gone down, we have seen a proliferation of millionaires.

In 1982 there were 12 billionaires in the United States, 12 billionaires. Today there are 135. So in all fairness, these trade agreements are working very well for millionaires and billionaires. But for the vast majority of our people, they are resulting in significant job loss and the pressure to lower wages.

Now, some people will say, I do not work in a factory, it does not affect me. What is my problem? It does affect you, it affects you because when UAW workers see their wages go down, then when your employer, even if you are in

a nonunion shop, has to deal with you, what he will say is, hey, I do not have to pay you $15 an hour, I can pay you $12, I can pay you $8 an hour. If we have Mexican workers prepared to work for 50 cents an hour, I will start you off at $5 an hour.

Mr. Speaker, one of the scariest aspects about the new economy is the decline in real wages of high school graduates. These are the young people who have never gone to college. What we are talking about is entry level jobs for young Americans graduating high school, for young men it is 30 percent less than what it was 15 years ago. For young women it is 17 percent less.

Mr. BONIOR. Mr. Speaker, that is a phenomenal figure. If the gentleman will repeat that again, because some of us are aware of it, but a lot of folks in this country do not understand that as the gentleman points out, the people at the very top, in fact, it goes down. People in the top 5 percent in America are doing very well today, but beyond that, it slips dramatically.

Mr. SANDERS. Mr. Speaker, for young people graduating high school, their entry level jobs are now paying 30 percent less than was the case 15 years ago. For young women, it is about 17 or 18 percent less.

Furthermore, Americans at the lower end of the wage scale are now the lowest-paid workers in the industrialized world. Eighteen percent of American workers with full-time jobs are paid so little that their wages do not enable them to live above the poverty level. Welcome to the global economy.

The point that the gentleman from Michigan [Mr. BONIOR] made earlier, in many ways, what this economy is looking like is what Mexico is: a few people at the top, and millions of people struggling just to exist.

Ms. KAPTUR. Mr. Speaker, if I could just make a brief point, last night I was in Lima, OH, giving a speech to a large number of people. And afterwards three different citizens came up to me, two who were high school graduates, and one a mother of a gentleman who is 30 years old but is working in a temporary position. And that is the fastest work category in our country, fastest growing category, temporary work. She said: ''Marcy, my son is worried because in two weeks he loses his temporary job.''

It is not just low wages of these workers, it is the insecurity of not knowing whether there will be a job for them. The other two young men that were there were just seeking work, seeking to better themselves, having to work at jobs like Payless Shoes, which imports all of its shoes. And when you are a manager for a lot of those jobs, you qualify for food stamps.

Is this the kind of America that we want to produce, one where when you work, and in Mexico, as we were told by the people down there, they work for hunger wages. These people in Lima, OH last night had several problems in trying to locate steady, well-paying jobs where they could secure a future for themselves and their family.

Mr. BONIOR. Mr. Speaker, as the gentlewoman knows, the largest employer in the country today is not General Motors, it is Manpower temporary services. The company pays no health benefits, no pensions. It is temporary work, the largest employer, and it is moving more and more in that direction.

I wanted to expand on what both of my colleagues have just said about the workers. Because it is not just happening here in America, in the United States, it is occurring, as the gentleman pointed out, in Mexico as well.

When we began the NAFTA debate, the worker in Mexico was making $1 an hour. Now that worker, and I have seen it with my own eyes in a trip that I took down there two months ago, is making 70 cents an hour. The people at the top in Mexico, they have created an incredible burst of billionaires, a class of billionaires down there.

I have a friend who told me, and I do not know if this is true, but I am reluctant to repeat it tonight, but I have a sense that it is, because he is very conservative in his estimates and he understands these issues very well. And he is a very learned person, who told me that in Del Mar, a little town north of San Diego in California, there are 600, 600 millionaires with Mexican citizenship, 600. So the wealthy make their money, they live often across the border here, and the workers are being paid 70 cents an hour. Their value of their wages have, since NAFTA, declined 30, 40 percent. So it is workers on both sides of the border.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield on one point?

As the gentleman is talking, I am thinking about when NAFTA was discussed here, and we were told President Salinas had the greatest democratic heart, with a small D, beating in this century. Can you imagine a President of the United States being so disgraced that he then is a man without a country?

That gentleman who headed Mexico now may be living in Ireland, for all we know, and his brother is in jail, and will be standing trial for drug-related charges, and we act, I mean the proponents act as if nothing happened.

Mr. BONIOR. Mr. Speaker, all the editorial writers in the country, they thought Mr. Salinas was a great guy. He went to Harvard and he is going to take Mexico into the next millennium and they were just as proud as punch to be affiliated and associated with him. The fact of the matter is he has not turned out very well, nor has his brother, nor has his policies. You would expect somebody to recognize this and say well, we made a mistake, but no, they cannot admit they made a mistake. My goodness, gracious, they are infallible, because they are, as the gentleman from Vermont [Mr. SANDERS] says, part of this whole corporate machine, this multinational transnational machine which spews this stuff out in the press on a daily basis about the upstanding, wonderful nature of these leaders and tries to pull the wool over everyone's eyes.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield for a moment, I remember during the NAFTA debate, one of the frustrations that we had is that virtually every major newspaper, without exception, every major newspaper in America told us how great the NAFTA agreement would be.

Now I am wondering if anybody here tonight knows if there has been one of those newspapers yet that has apologized to their readers and has said, whoops, we were wrong. Are my colleagues aware of any newspapers that have made that statement?

Ms. KAPTUR. Mr. Speaker, I am not aware of a single one, I would say to my colleague.

Mr. BONIOR. Mr. Speaker, I am not either, but just in 30 seconds here, I read the New York Times very carefully, because it is a good newspaper and I generally agree with them, not all of the time, with their editorials, and they are starting to express themselves in ways that they understand that there was something very wrong with NAFTA.

They are not going to admit that they were wrong, but they have been writing editorials recently with respect to the environment and Chile and labor standards, and so there is starting to be a slight sign, but that is about it. The rest of the business has been very silent, as the gentleman has indicated.

Ms. KAPTUR. Mr. Speaker, we just want to thank all of the membership for listening and for those who are tuned in on public broadcasting or C–SPAN, we want to thank the public for their interest in NAFTA, and more to come.

□ 2045

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1469, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–96) on the resolution (H. Res. 146) providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of funeral for a family member.

Mr. SCHIFF (at the request of Mr. ARMEY), through June 30, on account of medical reasons.

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. LOWEY) to revise and extend their remarks and include extraneous material:)

Mr. HILLIARD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, on May 14.

Mr. FORBES, for 5 minutes each day, on today and May 14.

Mr. DREIER, for 5 minutes each day, on May 14, 15, and 16.

Mr. GIBBONS, for 5 minutes, on May 14.

Mr. METCALF, for 5 minutes, on May 14.

Mr. RYUN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on today and May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mr. DOYLE.
Mr. UNDERWOOD.
Mrs. MEEK of Florida.
Mr. HAMILTON.
Mr. LANTOS.
Mr. LIPINSKI.
Mr. HINCHEY.
Mr. KENNEDY of Massachusetts.
Mr. FROST.
Mr. KUCINICH.
Mr. SCOTT.
Mr. GEJDENSON.
Mrs. LOWEY.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. FORBES.
Mr. DAVIS of Virginia.
Mr. KIM.
Mrs. ROUKEMA.
Mr. GRAHAM.
Mr. GINGRICH.
Mr. SOLOMON.
Mr. SOUDER.
Mr. WATTS of Oklahoma.
Mr. GILMAN.

(The following Members (at the request of Mr. MCINNIS to revise and extend their remarks and include extraneous material:)

Mr. ACKERMAN.
Mr. BROWN of California.
Ms. HOOLEY of Oregon.
Mr. CARDIN.
Mr. GILCHREST.
Mr. SKAGGS.
Mr. PACKARD.
Mr. SAM JOHNSON of Texas.
Mr. MILLER of California.
Mr. BORSKI.
Mr. HINOJOSA.
Mr. SHERMAN.
Mr. ENGEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to as follows:

S. Con. Res. 26. Concurrent resolution to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 14, 1997, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various Committee, House of Representatives, during the 1st quarter of 1997, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eva Clayton	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Calvin M. Dooley	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Thomas Ewing	1/23	1/26	Argentina		798.00		3,649.95				4,447.95
	1/26	1/28	Chile		531.11						531.11
Hon. Sam Farr	1/23	1/26	Argentina		798.00		3,771.95				4,569.95
	1/26	1/28	Chile		531.11						531.11
Hon. Robert F. Smith	1/23	1/26	Argentina		798.00		3,324.95		58.40		4,181.35
	1/26	1/28	Chile		531.11						531.11
Hon. Charles Stenholm	1/23	1/26	Argentina		798.00		3,352.95				4,150.95
Hon. Lynn Gallagher	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Laverne Hubert	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Bryce Quick	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Paul Unger	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Sanford Bishop	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Saxby Chambliss	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Helen Chenoweth	3/26	3/28	Canada		446.85		(3)				446.85
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Michael Crapo	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Hon. Earl Hilliard	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Frank Lucas	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Collin Peterson	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Hon. Nick Smith	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Robert F. Smith	3/22	3/28	Canada		1,338.05		(3)		2,894.39		4,232.44
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Charles Stenholm	3/23	3/28	Canada		1,231.78		[4] 329.00				1,560.78
Andrew Baker	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/4	Mexico		995.50		[5] 1,251.42				2,246.92
Sharla Moffett	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Michael Neruda	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Bryce Quick	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/5	Mexico		1,178.50		[5] 1,348.42				2,526.92
Jason Vaillancourt	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Mason Wiggins	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Paul Unger	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/5	Mexico		1,178.50		[5] 1,926.42				3,104.92

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					40,573.67		40,230.76		2,952.79		83,757.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] In addition to military transportation.
[5] Commercial airfare.

BOB SMITH, Chairman, Apr. 28, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sonny Callahan	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Jay Dickey	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Thomas Foglietta	3/7	3/10	Haiti		736.00		1,005.95				1,741.95
Hon. Michael Forbes	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Joe Knollenberg	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Nita Lowey	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/19	Ireland		176.00		(3)				176.00
Commercial airfare							684.93				684.93
Hon. Dan Miller	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon Ron Packard	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. John Porter	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Joe Skeen	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							1,330.95				1,330.95
Hon. John Murtha	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
Hon. Charles Taylor	2/16	2/21	Russia		1,537.00		(3)				1,537.00
Commercial airfare							1,885.95				1,885.95
Hon. James Walsh	2/14	2/15	Ireland		543.00		(3)				543.00
	2/15	2/18	England		1,002.00		(3)				1,002.00
Commercial airfare							449.15				449.15
Hon. Roger Wicker	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Frank Wolf	1/9	1/11	Thailand						115.00		115.00
	1/12	1/16	Indonesia		781.00		(3)				781.00
	1/16	1/17	Hong Kong		205.00		(3)				205.00
Commercial airfare							5,096.57				5,096.57
John Blazey II	1/10	1/11	Panama		378.00		(3)		45.00		423.00
	1/12	1/15	Bolivia		448.00		(3)				448.00
	1/16	1/17	Colombia		424.00		(3)				424.00
	1/17	1/20	Puerto Rico		600.00		(3)				600.00
Commercial airfare							977.00				977.00
James Dyer	1/14	1/16	Egypt		701.00		(3)				701.00
	1/16	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Commercial airfare							2,275.20				2,275.20
James Dyer	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
Charles Flickner	1/14	1/16	Egypt		701.00		(3)				701.00
	1/16	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Commercial airfare							2,275.20				2,275.20
Douglas Gregory	2/16	2/17	Panama		129.00		(3)				129.00
	2/17	2/18	Colombia		162.00		(3)				162.00
Stephanie Gupta	1/26	1/29	Luxembourg		816.00		(3)		63.74		879.74
Commercial airfare							3,212.85				3,212.85
Wiliam Inglee	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Therese McAuliffe	1/10	1/11	Panama		378.00		(3)				378.00
	1/12	1/15	Bolivia		448.00		(3)				448.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/16	1/17	Colombia		424.00		(3)				424.00
	1/17	1/20	Puerto Rico		635.00		(3)				635.00
Commercial airfare							1,208.00				1,208.00
Carol Murphy	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							638.95				638.95
Mark Murray	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00						195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
John Plashal	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
John Shank	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
John Ziolkowski	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							638.95				638.95
Committee total					41,452.00		21,679.65		223.74		63,355.39
Committee on Appropriations, Surveys and Investigations staff:											
Bertram F. Dunn	1/28	1/30	Okinawa		326.25		4,611.22		102.00		5,039.47
Norman H. Gardner, Jr	1/18	1/25	Japan		1,349.00		4,982.03		29.70		6,361.63
	1/25	1/30	Korea		1,310.00						1,310.00
Carroll L. Hauver	1/18	1/25	Japan		1,349.00		4,982.93		48.50		6,380.43
	1/25	1/30	Korea		1,310.00						1,310.00
Robert J. Reitwiesner	1/26	1/30	Korea		1,048.00		3,577.95		39.80		4,665.75
R.W. Vandergrift, Jr	1/18	1/22	Japan		813.25		4,905.43		63.90		5,782.58
Peter T. Wyman	1/28	1/30	Okinawa		326.25		4,611.22		76.00		5,013.47
Committee total					7,831.75		27,671.68		359.90		35,863.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, May 6, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Constance Morella	1/9	1/12	Beijing		702.00		30.29		128.90		861.19
	1/12	1/13	Thailand		217.00		19.19		256.48		492.67
	1/14	(3)	Vietnam		555.00		190.50		121.50		867.00
	(3)	1/18	Hong Kong		(3)		(3)		(3)		
Committee total					1,474.00		239.98		506.88		2,220.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not available from Department of State, May 5, 1997.

DAN BURTON, Chairman, May 5, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Israel, Jordan, Egypt and Morocco, January 11–18, 1997:											
Hon. Terry Everett	1/11	1/13	Israel		417.00						417.00
	1/13	1/14	Jordan		251.00						251.00
	1/14	1/17	Egypt		701.00						701.00
	1/17	1/18	Morocco		195.00						.195.00
Commercial airfare							2,743.68				2,743.68
Visit to Japan, Korea and Thailand, January 13–20, 1997:											
Hon. Floyd D. Spence	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Duncan Hunter	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Solomon P. Ortiz	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
Commercial airfare							1,379.95				1,379.95
Hon. Owen B. Pickett	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Steve Buyer	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Tillie Fowler	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Howard "Buck" McKeon	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Andrew K. Ellis	1/13	1/15	Japan		656.00						656.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Peter M. Steffes	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Andrea K. Aquino	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Visit to China, Hong Kong and Taiwan, January 23–31, 1997:											
Hon. Curt Weldon	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Hon. Solomon P. Ortiz	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Hon. John M. McHugh	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Stephen P. Ansley	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
David J. Trachtenberg	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Delegation expenses	1/23	1/28	China				1,980.09		770.64		2,750.73
	1/28	1/29	Hong Kong				302.88		1,994.82		2,297.70
Visit to Panama, Colombia, and Honduras, February 14–20, 1997:											
Hon. Gene Taylor	2/14	2/19	Panama		895.00						895.00
	2/15	2/15	Colombia		0.00						0.00
	2/19	2/20	Honduras		158.00						158.00
Commercial airfare							370.40				370.40
George O. Withers	2/15	2/19	Panama		716.00						716.00
	2/19	2/20	Honduras		158.00						158.00
Commercial airfare							948.00				948.00
Visit to Russia, February 17–21, 1997:											
Hon. Curt Weldon	2/17	2/21	Russia		1,537.00						1,537.00
Commercial airfare							1,852.66				1,852.66
Visit to China, March 24–28, 1997:											
Hon. Curt Weldon	2/24	2/28	China		(3)						
Commercial airfare							3,986.95				3,986.95
Visit to Panama, March 26–28, 1997:											
Hon. Lindsey O. Graham	3/26	3/28	Panama		202.00						202.00
Committee total					34,529.00		13,564.61		2,765.46		50,859.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem amounts unavailable at this time.

FLOYD SPENCE, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
T.E. Manase Mansur	1/28	1/31	Marshall Islands		519.33		2,008.95				2,528.28
Bonnie Bruce	3/15	3/24	Italy	2,361,735	1,395.00		779.85				2,174.85
Jean Flemma	3/15	3/23	Italy	2,361,735	1,395.00		779.85				2,174.85
Committee total					3,309.33		3,568.65				6,877.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Apr. 15, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN, JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Oberstar	1/16	1/16	Canada		75.00		706.40				781.40
Michael Strachn	1/16	1/16	Canada		75.00		706.40				781.40
Arthur Chan	1/16	1/16	Canada		75.00		706.40				781.40
Hon. William Lipinski	1/9	1/12	China		702.00						702.00
	1/12	1/13	Thailand		217.00						217.00
	1/13	1/15	Cambodia		555.00						555.00
	1/15	1/18	Hong Kong		1,163.00						1,163.00
Hon. Jerry Costello	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Charles Pickering	2/17	2/18	Italy		242.00						242.00
	2/18	2/20	Germany		546.00						546.00
Hon. Charles Bass	2/17	2/18	Italy		242.00		(3)				242.00
	2/18	2/20	Germany		546.00		(3)				546.00
Committee total					7,075.00		2,119.20				9,194.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military airfare.

BUD SHUSTER, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Norm Dicks	2/16	2/23	South Asia		987.00						987.00
Commercial airfare							8,273.65				8,273.65
Michael Sheehy	2/16	2/20	South Asia		987.00						987.00
Commercial airfare							8,273.65				8,273.65
Ken Kodama	2/16	2/20	South Asia		987.00						987.00
Commercial airfare							8,193.65				8,193.65
Hon. David Skaggs	2/20	2/24	Europe		1,228.00				78.95		1,306.95
Commercial airfare							412.35				412.35
Committee total					4,189.00		25,153.30		78.95		29,421.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Apr. 30, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3278. A letter from the Acting Assistant Secretary for International Security Policy, Department of Defense, transmitting notification that the calendar year 1996 report on accounting for United States assistance under the Cooperative Threat Reduction [CTR] Program will be submitted on or about April 30, 1997; to the Committee on International Relations.

3279. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

3280. A letter from the General Manager, Washington Metropolitan Area Transit Authority [METRO], transmitting the comprehensive annual financial report [CAFR] for the fiscal year ended June 30, 1996, pursuant to 31 U.S.C. 3512(c)(3); jointly, to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 5. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; with an amendment (Rept. 105–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 146. Resolution providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–96). Referred to the House Calendar.

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. CARDIN (for himself and Mr. GILCHREST):

H.R. 1578. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself and Mr. CARDIN):

H.R. 1579. A bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 1580. A bill to amend title 38, United States Code, to provide for certain improvements in the way in which health-care resources are allocated by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COBLE:

H.R. 1581. A bill to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration; to the Committee on the Judiciary.

By Mr. COOKSEY:

H.R. 1582. A bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself and Mr. COOKSEY):

H.R. 1583. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from estate tax for family-owned businesses; to the Committee on Ways and Means.

By Mr. SAM JOHNSON (for himself, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. BARR of Georgia, Mr. CRANE, Mr. POMBO, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. SESSIONS, Mr. CHABOT, Mr. BOB SCHAFFER, and Mr. GRAHAM):

H.R. 1584. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to index the basis of certain capital assets, to provide credits for families, to phase-out the estate and gift taxes, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mr. FAZIO of California, and Mr. NORWOOD):

H.R. 1585. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase to certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committees on Commerce, and National Security, 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 Ms. RIVERS:

H.R. 1586. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce.

By Mr. RUSH:

H.R. 1587. A bill to amend title 49, United States Code, to prohibit the transportation to chemical oxygen generators as cargo on any aircraft carrying passengers or cargo in air commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SNOWBARGER (for himself, Mr. COBURN, Mr. HASTINGS of Washington, Mr. PITTS, Mr. WELDON of Florida, Mr. PETERSON of Pennsylvania, Mrs. NORTHUP, Mr. DICKEY, Mr. JONES, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. GRAHAM, Mr. HILLEARY, Mr. RYUN, and Mr. TIAHRT):

H.R. 1588. A bill to prohibit the payment of any arrearages for prior years in the assessed contribution of the United States to the United Nations until certain reforms in the United Nations have been implemented and a certification of such reforms has been approved by the Congress; to the Committee on International Relations, and in addition to the Committee on Rules, 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. SCARBOROUGH:

H. Con. Res. 78. Concurrent resolution rejecting the need for an additional round or rounds of military base closures; to the Committee on National Security.

By Mr. MCKEON:

H. Res. 145. Resolution providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments; considered and agreed to.

By Mr. LEWIS of California (for himself, Mr. GINGRICH, Mr. GEPHARDT, Mr. STOKES, Mr. LAZIO of New York, Mr. KENNEDY of Massachusetts, and Ms. NORTON):

H. Res. 147. Resolution expressing the sense of the House of Representatives that the House of Representatives should participate in and support activities to provide decent homes for the people of the United States, and for other purposes; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII,

83. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 76

HD2 supporting implementation of expedited automatic border clearance; extension of the Visa Waiver Program; and elimination of visa requirements where possible; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FORBES introduced a bill (H.R. 1589) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Precious Metal*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. BLAGOJEVICH.

H.R. 59: Mr. SALMON, Mr. TIAHRT, Mrs. FOWLER, Mr. BATEMAN, Mr. MANZULLO, Mr. SPENCE, Mr. WELDON of Florida, and Mr. WOLF.

H.R. 69: Mr. LEWIS of Georgia and Mr. SNOWBARGER.

H.R. 71: Mr. CALVERT.

H.R. 96: Mr. BISHOP, Mr. CAMPBELL, Mr. SHUSTER, and Mr. FOGLIETTA.

H.R. 145: Mr. PASCRELL, Mr. BARCIA of Michigan, and Mr. CRAMER.

H.R. 245: Mr. CANADY of Florida.

H.R. 264: Mr. MEEHAN and Mr. TOWNS.

H.R. 306: Mr. FOLEY, Mr. MANTON, and Mr. BALDACCI.

H.R. 328: Mr. HUNTER.

H.R. 407: Mr. DOOLEY of California, Ms. WATERS, Mr. FOX of Pennsylvania, Mr. PALLONE, Mr. HOLDEN, Mrs. MCCARTHY of New York, and Mr. HORN.

H.R. 411: Mr. JACKSON and Mr. SABO.

H.R. 450: Mr. CARDIN.

H.R. 475: Mrs. LOWEY, Mr. FARR of California, and Mr. TURNER.

H.R. 598: Mr. PETERSON of Pennsylvania.

H.R. 616: Mr. COOKSEY and Mr. ENGEL.

H.R. 630: Ms. ESHOO.

H.R. 639: Mrs. CHENOWETH.

H.R. 681: Mr. BILBRAY, Mr. FAZIO of California, Mr. KIM, Mr. GALLEGLY and Mr. THOMAS.

H.R. 725: Mr. DEAL of Georgia.

H.R. 744: Mr. MARTINEZ, Mr. FORD, Ms. KILPATRICK, Mr. KLINK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 754: Mrs. TAUSCHER.

H.R. 758: Mr. HILLEARY, Mr. ISTOOK, Mr. BONILLA, Mr. BLUNT, Mr. COMBEST, Mr. STUMP, and Mr. STEARNS.

H.R. 789: Mrs. NORTHUP.

H.R. 805: Mrs. THURMAN.

H.R. 816: Mrs. JOHNSON of Connecticut, Mrs. EMERSON, and Mr. KING of New York.

H.R. 864: Ms. CHRISTIAN-GREEN, Mr. JACKSON, Mrs. CLAYTON, Mr. ENGEL, Mr. HORN, Mr. FOX of Pennsylvania, Mr. HEFLEY, Mr. LEWIS of Georgia, and Mr. SCHUMER.

H.R. 875: Mr. RAHALL, Mr. MARKEY, Mr. WAMP, Mr. SHUSTER, Mr. CHAMBLISS, Mr. BARR of Georgia, Mr. KOLBE, Mr. WELDON of Pennsylvania, Mrs. MEEK of Florida, and Mr. HILLIARD.

H.R. 901: Mr. CAMP, Mr. KING of New York, Mr. PAPPAS, Mr. SESSIONS, Ms. GRANGER, Mr. DAN SCHAEFER of Colorado, and Mr. PACKARD.

H.R. 911: Mr. BLUNT.

H.R. 915: Mr. FILNER, Mr. DOYLE, Mr. SHAYS, Mr. CLEMENT, Mr. BARCIA of Michigan, Mr. MARTINEZ, Mr. QUINN, Mr. DAN SCHAEFER of Colorado, Mr. BLAGOJEVICH, Ms. NORTON, Mr. MASCARA, Mr. COOK, Mr. CONYERS, Mr. RAHALL, Mr. TORRES, Ms. WOOLSEY, Mr. MCGOVERN, Mr. ROTHMAN, and Ms. LOFGREN.

H.R. 919: Mr. PASCRELL.

H.R. 920: Ms. DELAURO, Mr. FORD, Ms. KILPATRICK, Mr. HOLDEN, Ms. DEGETTE, and Mr. SHAYS.

H.R. 952: Mr. JACKSON.

H.R. 955: Mr. STUMP, Mr. HUNTER, Mr. PAUL, Mr. GILLMOR, and Mr. SKEEN.

H.R. 956: Mr. MCCOLLUM and Mr. HOBSON.

H.R. 977: Mr. CHRISTENSEN, Mr. EVANS, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. DAVIS of Virginia, Ms. KAPTUR, Mr. SAWYER, and Mr. HILLIARD.

H.R. 979: Mr. CAMP, Mr. ADERHOLT, Mr. ETHERIDGE, Mr. FORD, Mr. BROWN of California, Mr. FARR of California, Ms. HOOLEY of Oregon, Mr. ENSIGN, Mr. MCGOVERN, and Ms. PELOSI.

H.R. 991: Mr. LEWIS of California.

H.R. 1022: Mr. PITTS and Mrs. LOWEY.

H.R. 1038: Mr. EVANS and Mr. MARTINEZ.

H.R. 1046: Mr. HALL of Ohio.

H.R. 1063: Mr. LATOURETTE, Mr. BOSWELL, Mr. BARCIA of Michigan, Mr. BAKER, Mr. PRICE of North Carolina, and Mr. BLUNT.

H.R. 1104: Ms. BROWN of Florida, Mr. CLYBURN, Mr. JACKSON, Ms. JACKSON-LEE, Mrs. MEEK of Florida, and Mr. TOWNS.

H.R. 1120: Mr. CAPPS, Mr. POSHARD, and Mr. ANDREWS.

H.R. 1130: Ms. ESHOO.

H.R. 1146: Mr. HALL of Texas.

H.R. 1147: Mr. CANADY of Florida.

H.R. 1156: Mr. ROTHMAN.

H.R. 1162: Mr. CANADY of Florida.

H.R. 1165: Mr. GRAHAM.

H.R. 1204: Mr. KINGSTON.

H.R. 1215: Mr. NEAL of Massachusetts, Mr. BLAGOJEVICH, and Mr. KENNEDY of Massachusetts.

H.R. 1245: Mr. THOMPSON.

H.R. 1248: Mr. WATTS of Oklahoma, Mr. BUNNING of Kentucky, and Mr. TURNER.

H.R. 1252: Mr. SENSENBRENNER.

H.R. 1260: Mr. CRAMER, Mr. LEACH, Mr. TANNER, Mr. MALONEY of Connecticut, Mr. GOODE, Mr. FARR of California, and Mr. WATT of North Carolina.

H.R. 1270: Mr. ROHRABACHER, Mr. RYUN, Mr. HILLEARY, Mr. MORAN of Kansas, Mr. COBLE, Mr. WELLER, Mr. TAYLOR of North Carolina, Mr. CANADY of Florida, Mr. SANFORD, Mr. DIAZ-BALART, and Mr. DUNCAN.

H.R. 1285: Mr. CRANE and Mr. FOX of Pennsylvania.

H.R. 1288: Mr. MATSUI, Mr. HINCHEY, and Mr. LEWIS of Georgia.

H.R. 1302: Mr. LEWIS of Georgia and Ms. DEGETTE.

H.R. 1306: Mr. GILMAN, Mr. CHRISTENSEN, and Mr. LOBIONDO.

H.R. 1321: Mr. PRICE of North Carolina.

H.R. 1329: Mr. BACHUS, Mr. FARR of California, Mr. EVANS, and Mr. LEWIS of Georgia.

H.R. 1335: Mr. BROWN of California.

H.R. 1353: Mr. NEUMANN and Mr. BARRETT of Wisconsin.

H.R. 1377: Mr. KOLBE, Mr. OLVER, Mr. GRAHAM, and Mr. MILLER of California.

H.R. 1379: Mrs. CHENOWETH.

H.R. 1419: Mr. CANADY of Florida and Mr. SCHIFF.

H.R. 1425: Mr. CAPPS, Mr. FILNER, Mr. VENTO, and Mr. WAXMAN.

H.R. 1437: Mr. HINCHEY and Mr. TRAFICANT.

H.R. 1443: Mr. COX of California and Mr. CAMP.

H.R. 1450: Mr. GEPHARDT and Mr. LEWIS of Georgia.

H.R. 1455: Mr. DELLUMS, Mr. PAYNE, Mr. FOX of Pennsylvania, Mr. STARK, Mr. KENNEDY of Rhode Island, and Mr. MANTON.

H.R. 1461: Mr. MCCOLLUM.

H.R. 1464: Mr. MCNULTY.

H.R. 1480: Ms. BROWN of Florida.

H.R. 1496: Mr. SHAYS.

H.R. 1500: Mr. PASCRELL and Mr. ADAM SMITH of Washington.

H.R. 1503: Mrs. NORTHUP.

H.R. 1507: Mr. GILMAN, Mr. FAZIO of California, Mr. CLYBURN, Mr. HINCHEY, Mr. MCGOVERN, and Mr. HILLIARD.

H.R. 1511: Mr. BUYER and Mr. PASCRELL.

H.R. 1515: Mr. BUYER, Mr. JACKSON, Mr. TAYLOR of North Carolina, Mr. HUTCHINSON, Mr. KLUG, and Mr. COBLE.

H.R. 1532: Mr. CUNNINGHAM, Mr. TALENT, Mr. LANTOS, Mr. GUTIERREZ, Mr. UNDERWOOD, and Mr. COX of California.

H.R. 1549: Mr. EVANS and Mr. BLUNT.

H.R. 1550: Mr. SENSENBRENNER and Mr. ROTHMAN.

H.J. Res. 59: Mrs. EMERSON.

H.J. Res. 65: Mr. THOMPSON.

H.J. Res. 67: Mr. SENSENBRENNER, Mr. MANTON, Mr. WHITFIELD, Mr. BLUNT, Mr. HILLEARY, Mr. ARCHER, and Mr. BARTON of Texas.

H.J. Res. 76: Mr. ENGLISH of Pennsylvania, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. MATSUI, Mr. MCHALE, and Mr. YATES.

H. Con. Res. 12: Mr. HOLDEN.

H. Con. Res. 13: Mr. JACKSON.

H. Con. Res. 55: Ms. ROYBAL-ALLARD and Mr. ROTHMAN.

H. Con. Res. 65: Mr. JOHNSON of Wisconsin, Mr. TAUZIN, Mrs. MEEK of Florida, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. STUMP, Mr. KING of New York, Mr. WALSH, Mrs. TAUSCHER, Mr. EVANS, Mr. DIAZ-BALART, Mr. BATEMAN, Mr. CALVERT, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 75: Ms. BROWN of Florida, Mr. LAMPSON, and Mr. SCHIFF.

H. Res. 37: Mr. HOYER.

H. Res. 103: Mr. BARRETT of Nebraska, Mr. CUNNINGHAM, and Mr. STEARNS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 590: Mr. JOHNSON of Wisconsin.

H.R. 695: Ms. EDDIE BERNICE JOHNSON of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. NADLER

AMENDMENT NO. 55: Page 335, after line 6, insert the following new section:

SEC. 709. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a non-profit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

H.R. 1469

OFFERED BY: MR. BARR OF GEORGIA

(Supplemental Appropriations, FY97)

AMENDMENT NO. 4: Add at an appropriate place the following:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act or any other Act shall be used now or hereafter in any fiscal year for any study of the medicinal use of marijuana.

H.R. 1469

OFFERED BY: MR. BARR OF GEORGIA

(Supplemental Appropriations, FY97)

AMENDMENT NO. 5: Page , after line , insert the following:

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000.

H.R. 1469

OFFERED BY: MR. BARR OF GEORGIA

(Supplemental Appropriations, FY97)

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

FIREARMS PROHIBITIONS APPLICABLE BY REASON OF A DOMESTIC VIOLENCE MISDEMEANOR CONVICTION NOT TO APPLY TO CONVICTIONS OBTAINED BEFORE THE PROHIBITIONS BECAME LAW

SEC. . Subsections (d)(9), (g)(9), and (s)(3)(B)(i) of section 922 of title 18, United States Code, are each hereafter amended by inserting ‘‘, on or after September 30, 1996,’’ before ‘‘of a misdemeanor’’.

H.R. 1469

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 7: Page 51, after line 23, add the following new title:

TITLE IV—PREVENTION OF GOVERNMENT SHUTDOWN

SHORT TITLE

SEC. 401. This title may be cited as the ‘‘Government Shutdown Prevention Act’’.

CONTINUING FUNDING

SEC. 402. (a) If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

TERMS AND CONDITIONS

SEC. 403. (a) An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriation Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(c) Notwithstanding any other provision of this Act, whenever the rate for operations for any continuing project or activity would result in a furlough or a reduction-in-force of Government employees, that rate for operations may be increased to a level that would enable the furlough or a reduction-in-force to be avoided.

COVERAGE

SEC. 404. Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

EXPENDITURES

SEC. 405. Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY

SEC. 406. No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

PROTECTION OF OTHER OBLIGATIONS

SEC. 407. Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

DEFINITION

SEC. 408. In this title, the term ‘‘regular appropriation bill’’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities.

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

H.R. 1469

OFFERED BY: MR. FAZIO

AMENDMENT NO. 8: Page 5, after line 7, insert the following:

In addition, for replacement of farm labor housing under section 514 of the Housing Act of 1949 that was lost or damaged by flooding that occurred as a result of the January 1997 floods, $1,000,000, to be derived by transfer from amounts provided in this Act for ‘‘Federal Emergency Management Agency—Disaster Relief’’: *Provided*, That, notwithstanding any other provision of law, any county designated as a disaster area by the President shall be eligible to apply to the Secretary of Agriculture for assistance from such funds, which shall be immediately dispersed by the Secretary upon documented loss of farm labor housing units: *Provided further*, That such funds shall be used by the recipient counties to assist the purchase of farm labor housing, including (but not limited to) mobile homes, motor homes, and manufactured housing.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT NO. 9: Page 51, after line 23, insert the following:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading ‘‘DEPARTMENT OF EDUCATION—Education Research, Statistics, and Improvement’’ may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 10: Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $2,387,677,000)''.

Page 28, line 6, strike ''$2,387,677,000'' and all that follows through line 7.

Page 35, strike lines 8 through 25.

Page 51, after line 23, insert the following new section:

FURTHER RESCISSIONS IN NONDEFENSE ACCOUNTS

SEC. 3003. (a) RESCISSION OF FUNDS.—Of the aggregate amount of discretionary appropriations made available to Executive agencies in appropriation Acts for fiscal year 1997 (other than for the defense category), $3,600,000,000 is rescinded.

(b) ALLOCATION AND REPORT.—Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) allocate such rescission among the appropriate accounts in a manner that will achieve a total net reduction in outlays for fiscal years 1997 through 2002 resulting from such rescission of not less than $3,500,000,000; and

(2) submit to the Committees on Appropriations of the House of Representatives and the Senate a report setting forth such allocation.

(c) DEFINITIONS.—

(1) The terms ''discretionary appropriations'' and ''defense category'' have the respective meanings given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 11: Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $2,387,677,000)''.

Page 28, line 6, strike ''$2,387,677,000'' and all that follows through line 7.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 12: Page 28, line 5, after the dollar amount, insert the following: ''(reduced by $1,700,000,000)''.

Page 28, line 6, after the dollar amount, insert the following: ''(reduced by $1,700,000,000)''.

H.R. 1469

OFFERED BY: MS. PELOSI

AMENDMENT NO. 13: Page 18, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'' for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act, $68,000,000.

Page 35, line 16, after the dollar amount, insert the following: ''(increased by $68,000,000)''.

Page 35, line 18, after the dollar amount, insert the following: ''(increased by $68,000,000)''.

H.R. 1469

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 18, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for ''National Institute of Environmental Health Sciences'', $10,000,000, for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering form Gulf War Syndrome.

Page 37, line 11, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

H.R. 1469

OFFERED BY: MR. SCARBOROUGH

AMENDMENT NO. 15: Page 51, after line 23, insert the following new section:

ELIMINATION OF NONEMERGENCY DISCRETIONARY FUNDS

SEC. 3003. Each amount otherwise appropriated in this Act that is not designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and is not required to be appropriated or otherwise made available by a provision of law, is hereby reduced to $0.

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: After chapter 6 of title V add the following (and redesignate the subsequent chapter and conform the table of contents accordingly):

CHAPTER 7—PHASE-OUT OF EXISTING PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS AND PROHIBITION ON NEW ENTERPRISE FUNDS AND ASSISTANCE FOR CERTAIN OTHER FUNDS

SEC. 571. PHASE-OUT OF EXISTING PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS.

(a) IN GENERAL.—Beginning 2 years after the date of the enactment of this Act, none of the funds appropriated or otherwise available to the United States Agency for International Development may be obligated or expended for assistance to the following enterprise funds (or any successor enterprise funds):

(1) The Albanian-American Enterprise Fund.

(2) The Baltic-American Enterprise Fund.

(3) The Bulgarian American Enterprise Fund.

(4) The Central Asian-American Enterprise Fund.

(5) The Czech and Slovak American Enterprise Fund.

(6) The Hungarian-American Enterprise Fund.

(7) The Polish-American Enterprise Fund.

(8) The Romanian American Enterprise Fund.

(9) The Southern Africa Regional Enterprise Fund.

(10) The U.S. Russia Investment Fund.

(11) The Western NIS Enterprise Fund.

(b) TRANSITION.—The President (acting through the Administrator of the United States Agency for International Development), in conjunction with the board of directors of each enterprise fund referred to in paragraphs (1) through (11) of subsection (a), shall, as soon as practicable after the date of the enactment of this Act, take the necessary steps to wind up the affairs of each such enterprise fund.

(e) REPEALS.—

(1) EXISTING ENTERPRISE FUNDS.—(A) The following provisions of law are hereby repealed:

(i) Subsection (c) of section 498B of the Foreign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

(ii) Section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

(B) The repeals made by subparagraph (A) shall take effect 2 years after the date of the enactment of this Act.

(2) TRANS-CAUCASUS ENTERPRISE FUND.—Subsection (t) under the heading ''Assistance for the New Independent States of the Former Soviet Union'' of the Foreign Operation, Export Financing, and Related Programs Appropriations Act, 1996, is hereby repealed.

SEC. 572. PROHIBITION ON NEW PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS.

(a) IN GENERAL.—Beginning on March 12, 1998, the President may not provide for the establishment of, or the support for, any enterprise fund for the purposes of promoting private sector development, or promoting policies and practices conducive to private sector development, in any foreign country.

(b) DEFINITION.—For purposes of this section, the term ''enterprise fund'' means a private, nonprofit organization designated by the President in accordance with procedures applicable to the procedures used to designate enterprise funds under section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

SEC. 573. PROHIBITION ON ASSISTANCE FOR EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT FUNDS AND OTHER INTERNATIONAL FINANCIAL INSTITUTION FUNDS.

(a) PROHIBITION ON UNITED STATES ASSISTANCE.—Beginning 2 years after the date of the enactment of this Act, none of the funds appropriated or otherwise available to the United States Agency for International Development may be obligated or expended for assistance to any private sector development enterprise fund in which the European Bank for Reconstruction and Development (or any other international financial institution of which the United States is a member) participates, or which is financed by that Bank (or international financial institution), including the following enterprise funds (or any successor enterprise funds):

(1) The Russia Small Business Fund.

(2) The Regional Venture Fund for the Lower Volga Region.

(3) The Slovenia Development Capital Fund.

(b) OPPOSITION TO MULTILATERAL ASSISTANCE.—The President shall instruct the United States Executive Director of the European Bank for Reconstruction and Development and any other international financial institution of which the United States is a member to use the voice and vote of the United States to oppose the participation of that Bank or institution in, or financing by that Bank or institution of, any private sector development enterprise fund, including any enterprise fund referred to in paragraphs (1) through (3) of subsection (a).

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: At the end of chapter 1 of title VII (relating to special authorities and other provisions of foreign assistance authorizations) add the following (and conform the table of contents accordingly):

SEC. 706. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.

Funds made available for assistance for fiscal years 1998 and 1999 under the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law described in this division for which amounts are authorized to be appropriated for such

fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles, or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 4: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—REDUCTION IN AUTHORIZATIONS

SEC. 801. REDUCTION IN AUTHORIZATIONS.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, is hereby reduced by 5 percent, except for the following:

(1) Chapter 1 of title IV (relating to narcotics control assistance).

(2) Chapter 2 of title IV (relating to nonproliferation, antiterrorism, demining, and related programs).

(3) Section 511(b) (relating to the Development Fund for Africa).

(4) Section 511(f) (relating to the African Development Foundation).

(5) Section 512 (relating to child survival activities).

(6) Chapter 5 of title V (relating to international disaster assistance).

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—REDUCTION IN AUTHORIZATIONS

SEC. 801. REDUCTION IN AUTHORIZATIONS.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, is hereby reduced by 10 percent, except for the following:

(1) Chapter 1 of title IV (relating to narcotics control assistance).

(2) Chapter 2 of title IV (relating to nonproliferation, antiterrorism, demining, and related programs).

(3) Section 511(b) (relating to the Development Fund for Africa).

(4) Section 511(f) (relating to the African Development Foundation).

(5) Section 512 (relating to child survival activities).

(6) Chapter 5 of title V (relating to international disaster assistance).

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—FUNDING LEVELS

SEC. 801. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1998 AND 1999 NOT TO EXCEED APPROPRIATIONS FOR FISCAL YEAR 1997.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, shall not exceed the amount appropriated for each such provision for fiscal year 1997.

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 7: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. UNITED STATES POLICY CONCERNING IRANIAN RESISTANCE.

It is the sense of the Congress that the Secretary of State should recognize and engage in substantive dialogue with those groups inside and outside Iran that support the restoration of democratic government in Iran, including the National Council of Resistance of Iran.